

Planning Commission  
CodeNEXT Draft 3 Recommendation Report to City Council

		Motion	Passed/ Failed	Vote Tallies			Vote by Commissioner											General to Code, General to Chapter, Specific to Article, or Specific to Section	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions			
				Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON									WHITE	SHAW	
1	Original Motion	General Policy Guidelines 1. Establish triage points after the Council adopts the codes such as quarterly check-ins as problems are found with code language. Problems first are revisited by Planning Commission and then Council. 2. Complete rework of the Plan to Plan including transitions, centers, TODs, and Neighborhood Plans. Following the adoption of CodeNEXT, Land Use Commission revisit the Imagine Austin Centers and Corridors. 3. Process to phase out F25 with stakeholder input regarding items such as Conditional Overlays, TODs, etc. Process to be revisited by Planning Commision and then Council. 4. Prior to the Code being enacted, test and model the code in a wide-range of development scenarios with stakeholder participation, and testing of the financial impacts of the Code, including additional staffing needs, development fee increases, Density Bonus Program resources, and a quantified effect of working in two codes. Staff and consultants to prepare a Report Card of the Planning Commission mapping recommendations. After the Code has been implemented, additional testing to help inform the triage process and measure if the added density is delivering. the anticipated affordable units. 5. Entire Code needs to be reviewed by a Master Editor prior to adoption 6. Planning Commission Recommendation is the starting point for Council Review. 7. Land Use Commission's recommendation is shown to Council by each Division. Prior to the Code adoption, Staff to show Council what major elements of Title 25 are not being included in CodeNEXT. 8. Performance mechanisms be identified by PC and staff to show the success and failures of the Code, particularly as it relates to Affordable Housing, displacement, demolition, review times/ permitting, and Imagine Austin Performance Indicators. 9. Staff and Council explore methods to capture the added value of the added density along corridors to help finance transit projects along corridors.	Passed	11	0	0								absent		absent					General to Code				Policy	<b>PAZ:</b> 1. Staff anticipates that amendments will be needed after adoption. 2. Oppose 3. Oppose 4. Staff anticipates testing after the code is adopted (before it is effective). 5. Do not oppose 6. Do not oppose 7. Do not oppose 8. Do not oppose, but it will take many years of on-the-ground changes to make this evaluation. 9. Do not oppose	N/A	
2	Original Motion	Staff to continue to review items and exhibits in all Chapters presented in the May 25th Planning Commission CodeNEXT Draft 3 Deliberation Spreadsheet by individual commissioners that were unacted on, and to identify ways to continue to improve Draft 3 for Council's Deliberation. Planning Commission CodeNEXT Draft 3 Deliberation Spreadsheet shall also be given to Council.	Passed	9	2	0								absent		Off dais					General to Code				Policy	<b>PAZ:</b> Staff will respond to actions/motions taken by PC, but not unacted-upon motions. Staff will forward the PC deliberation spreadsheet to Council. <b>PWD:</b> Concur with PAZ	N/A	
3	Original Motion	Where there is conflict between amendments made by the Planning Commission, Staff works to rectify those conflicts utilizing voting data and other related motion to help prioritize the final recommended action, and present them to Council for their action.	Passed	10	0	1								absent		Off dais					General to Code				Policy	<b>PAZ:</b> Oppose. Staff will respond to individual motions, but reconciling contradictory PC motions (that conflict with each other) is outside staff's purview. <b>PWD:</b> Concur with PAZ	N/A	
4	Original Motion	Recommend all Divisions that do not have comments presented in the May 22nd Planning Commission CodeNEXT Draft 3 Deliberation Spreadsheet	Passed	12	0	1															General to Code				Policy	<b>PAZ:</b> Do not oppose		
5	Original Motion	Reduce length of non 23-4 Sections by 20%. Identify a Master Editor who should identify measures in Non 23-4 Articles to reduce extreme length to assist in achieving CodeNEXT goal for code simplicity.	Passed	12	0	0								absent							General to Code				Policy	<b>PAZ:</b> Oppose. However, staff will look for ways to improve and simplify text between Council readings. <b>DSD:</b> Oppose. DSD drafted content has been consolidated and streamlined. <b>WPD:</b> Oppose. Staff has already worked to reorganize and streamline the watershed regulations by consolidating divisions. <b>ATD:</b> Concur with PAZ <b>PWD:</b> Concur with PAZ	N/A	
	Amendment to Original Motion	Reduce by 30% instead of 20%	Passed	12	0	0								absent														
6	Original Motion	Recommend approval of Chapter 23-1 with amendments previously approved and the following additional changes: 1. Where Article 23-1 conflicts with current policy related to the Neighborhood Planning Contact Team, corrections to those discrepancies are made.	Passed	9	2	0								absent		Off dais					General to Chapter	23-1			Policy	<b>PAZ:</b> Do not oppose	N/A	



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Motion		Passed/ Failed	Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHEH	THOMPSON									WHITE	SHAW	
7	Original Motion	Add language to 23-1A-6010 and 2301A-6020 regarding Minimum Development Potential as shown in Steven Oliver Exhibit 1	Passed	7	5	1																					
	Amendment to Original Motion	Add language that leaves this to the discretion of the director	Failed	4	8	1															<p><b>PAZ:</b> Oppose. Amendments can be made, as needed, when conflicts are identified.</p> <p><b>DSD:</b> This is a policy decision concerning the hierarchy of code requirements where the city's codes have conflicting provisions and impacts. This adds a layer of review, and is potentially more complicated and less predictable than the variance processes in Draft 3. DSD is supportive of the concept of a hierarchy of code to address regulatory conflicts that arise during the review process; however, additional policy direction is needed to determine regulatory priorities.</p> <p><b>WPD:</b> Oppose. As currently worded, the amendment undermines multiple existing regulations related to the environment, water quality, and drainage, including:</p> <ul style="list-style-type: none"><li>• Non-degradation standard of the Save Our Springs (SOS) ordinance</li><li>• Stormwater management for water quality and flood risk reduction</li><li>• Restrictions on development in the floodplain</li><li>• Waterway setbacks for creeks and lakes</li><li>• Setbacks for critical environmental features such as caves, wetlands, and springs</li><li>• Tree and urban forest protections (excluding heritage trees)</li><li>• Requirements for preserving floodplain health</li><li>• Steep slope protections</li><li>• Limitations on the depth of cut and fill</li><li>• Preservation of open space and natural areas</li><li>• Provision of landscape elements and vegetated setbacks</li></ul> <p>Many sites across the city are significantly constrained by natural features such as floodplains and steep topography. As worded, the amendment would allow for development to encroach on environmental setbacks and reduce the footprint of stormwater control measures in order to accommodate the entitled amount of impervious cover. Staff recommends upholding the current policy of reducing impervious cover entitlements as necessary to accommodate environmental features and protections. To the extent that the reasonable use of a property is eliminated, the existing variance process allows for adjustments to water quality and drainage regulations.</p>						
	Amendment to Original Motion	Exclude Heritage Trees	Passed	10	2	1															Specific to Article	23-1A-6010 & 23-1A-6020	Oliver Exhibit 1 - Minimum Development	Additional Development Standards		A-1.7.1	
8	Original Motion	Recommend approval of Chapter 23-2 with amendments previously approved	Passed	9	2	0							absent		Off dais						Specific to Chapter	23-2		Policy	<b>PAZ:</b> Neutral	N/A	
9	Original Motion	Sections 23-2A-3030(B)(2) and 23-2A-3040(B)(2) Direct Staff to look at on-site alternatives that could be applied without triggering an engineer's letter and these should be directly proportional to the size of the expansion or construction such as the following alternative language: (2) Provide an affidavit from both owner and applicant, agreeing to preserve or improve existing drainage patterns and to provide an engineered grading plan and complete the work specified therein if it is determined by the Building Official that there has been an adverse impact to adjoining lots attributable to an as-built condition within one year from the date of the certificate of occupancy, if the construction, remodel or expansion is: (A) more than 300 square feet; and (B) Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted.	Passed	9	2	0							absent								Specific to Section	23-2A-3030(B)(2) 23-2A-3040(B)(2)	Sheih Exhibit 1 - Engineer's Letter	Additional Development Standards	Opposed  <b>DSD:</b> DSD is does not recommend revisions to this section that would result in a needed increase in the resources required for review but remains open to exploring options in partnership with WPD.	3.7	18.80
10	Original Motion	Where an existing single-family home has been made non-conforming by the new code, that home can be renovated or rebuilt under today's standards. Staff to adjust language to not penalize existing homes that do not conform to the new zoning.	Passed	11	0	0						absent	absent								Specific to Section	23-2G-1060-D-1		Policy	Not opposed with the condition that the motion is limited to the zoning chapter. Water quality and drainage standards added for 1-6 units by 23-2A-3 should still apply.	9.3	A-9.16.1
11	Original Motion	Recommend approval of Article 23-3A, 3B, 3C, and 3D with amendments previously approved	Passed	8	1	2							absent		Off dais						General to Chapter	23-3		Policy	<b>PAZ:</b> Neutral	N/A	



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12		Recommend approval of Article 23-3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:  1. Establish as additional items of intent for the program to: a. meet the annual affordable housing goals set forth by city council; b. generally permit sites to utilize affordable bonus entitlements; and c. maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu. 2. Reinstate expedited review for SMART Housing and expand it to the Affordable Housing Bonus Program at all stages for projects that participate in the program per the original requirements of 2000. 3. Explore a Super Density Bonus for large-scale affordable projects that offer over 50% of units as affordable 4. Establish a Density Bonus pilot program with a revision and review window of 18-months with an annual re-evaluation period to ensure the program is properly calibrated, and staff and consultants to continue to hold workshops with stakeholders, including affordable housing advocates, builders, affordable housing builders, construction companies, developers, and community advocates to continue to work out the bonus program. 5. Staff to use White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS - yellow from Housing Coalition) as a directive to prioritize those changes as they review this Article	Passed	10	0	1						Off dais		absent						General to Article	23-3E		White Exhibit 1 Pages 20-25 (Edits to the SMART program) and White Exhibit 1 Pages 45-48 (SIMPLICITY & HOUSING BLUEPRINT GOALS)  Kenny Exhibit 3 - Affordable Housing Bonus Program	Affordable Housing	<b>NHCD:</b> Generally not opposed, but opposed to the following elements: 1 a) Remove goals - not appropriate for Code  5) Staff do not recommend requiring density bonus projects to comply with S.M.A.R.T. Housing requirements unless it can be evidenced that typical density bonus projects would be S.M.A.R.T. Housing compliant and that this would not deter participation in density bonus programs.  <b>DSD:</b> Review turnaround times for SMART Housing projects are currently in a policy document and have been in effect since the program's inception. Staff adheres to these review times to the extent possible; however, turnaround times are impacted by application volume and available resources. DSD does not recommend reincorporating review times into the land development code. Review times are administrative and were removed from Title 25 and moved into the criteria manuals to be adopted via the rules process. Adopting review times by rule preserves the public stakeholder engagement component and provides staff with the flexibility to make adjustments based on the previously identified factors without having to initiate a code amendment.		
13	Original Motion	Upon Council's review of Article 23-3E, Council consider sending that division back to the Planning Commission for additional feedback	Passed	9	2	0							absent		Off dais					General to Article	23-3E		None	Affordable Housing	<b>PAZ:</b> Oppose. Process for adopting code should be consistent.	N/A	
14			Passed	7	2	2							absent		Off dais					General to Article	23-4			Policy	<b>PAZ:</b> Do not oppose	N/A	
15	Original Motion	Strike " <del>that are intended to promote compatible land patterns</del> ." and add " <u>that address the social and environmental values described in 23-1A-1020.</u> "	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4A-1010			Language Revisions	<b>PAZ:</b> Do not oppose	20.2	-
16	Original Motion	List NCCDs and NP as Overlay Zones in Section 23-4A-2020(H)	Failed	5	8	0														Specific	23-4A-2020(H)			Policy		20.4	-
17	Original Motion	Eliminate the Downtown Plan overlay until Small area plan can be completed with funding assistance provided by DAA.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4D-6080			Additional Development Standards	<b>NHCD:</b> Do not support increased base FAR. Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or decreased numbers of affordable units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.  <b>Austin Energy:</b> If intent is reduce frontage requirement because a certain amount will be taken up by necessary infrastructure, staff agrees.  <b>ATD:</b> Driveway widths and standards are within the TCM and should not be within Code (see previous ATD comments on various drafts). "Support spaces" requirements are dictated by various utility agencies, many of which are protected by franchise agreements and by environmental laws at the State level - these requirements can change periodically and should not be specifically called out within Code (should be within the UCM).  <b>PWD:</b> Driveway standards are in the Transportation Criteria Manual. Need to verify which building support spaces (AE vault, fire pump, etc.) are regulated by national, state & local standards and must go through the proper channels in order to be changed. The stairs/ramps are not allowed in required setbacks so that the City can meet ADA requirements within the ROW.	20.5	23.205 23.225
	Substitute Motion	Increase the base entitlements in DC per DAA recommendation, including: - Increase driveway width maximum to 30' to allow for 3 lanes of traffic flow - Frontage Requirements: Create exception for <1/2 block sites. Either significantly reduce the % gross frontage requirement or change requirement to "net" frontage or only require one block face of the site to comply. Or remove requirement in DC base zone and allow for a district planning process to dictate which streets and which uses are appropriate. And reduce requirements for many building support spaces (AE vault, fire pump, etc.) that must be located directly on ROW. The definition of active commercial uses (Commercial Group A in the Downtown Plan Overlay Zone) needs to be clarified or refined to allow for ground level office or multi-family lobbies. Additionally, revise the requirement that prohibits stairs/ramps in required setbacks to allow them in required setbacks. - (intent) Recalibrate the Downtown Density Program to maximize the yield of affordable housing units in a way that does not impede taking up of the bonus, particularly related to small lots - FAR and height for the PID area, not including Judge's Hill, be increased to unlimited for the Density Bonus Program	Passed	12	0	1																					
18	Original Motion	Change DC zone FAR max to 12:1.		7	6	0														Specific to Section	23-4D-6080			FAR/ Height	<b>PAZ:</b> Do not oppose. Does not carry forward existing 8:1 FAR for CBD. Additional FAR by-right may impact the AHBP.  <b>NHCD:</b> Do not support increased base FAR. Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or decreased numbers of affordable units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.	23.223	



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19		23-1020 Conditional Use Permit (F)(2) Late Hours Permit (a) If the Land Use Commission approves a conditional use permit for bar, nightclub, or restaurant with a late-hours permit or with outdoor seating, the having a parking area associated with the use must be a minimum of less than 200 feet from a Residential House-Scale Zone Is required to obtain approval of a conditional use permit. , unless the use is located within an enclosed shopping center. (b) The Land Use Commission may waive the 200-foot restriction if it finds that the effects of a parking area are sufficiently mitigated based on the criteria in Subsection (E).	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4B-1020(F)(2) 23-4E-6: Specific to Use			Allowed Uses/ Specific to Use	<b>PAZ:</b> Do not oppose <b>DSD:</b> Do not oppose	21.4		
	Original Motion																												
20		WHITE Exhibit Conditional Use Permits: Please amend Draft 3 to reinstate the clear Conditional Use Permit standards and other key provisions in LDC 25-5-142 through 25-5-150.	Divided	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
	Divided Original Motion 1	Reinstate LDC 25-5-148 to ensure compliance with conditions imposed by Council or Commissions	Failed	4	8	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
	Divided Original Motion 2	Reinstate existing CUP requirement for late-hours bars and restaurants, including current code’s 200’ parking buffer in proximity to House-Scale Residential Zones.	Withdrawn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
	Divided Original Motion 3	Reinstate LDC 25-5-150 to prevent revolving door for same CUP requests	Passed	7	6	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
	Divided Original Motion 4	Reinstate LDC 25-5-145(C)(4) to ensure Large Retail Uses do not adversely affect future redevelopment	Passed	12	1	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
	Divided Original Motion 5	Reinstate all current requirements in LDC 25-5-145, Evaluation of Conditional Use Site Plan (a) Draft 3 deletes the current mandate to determine compliance with specific requirements (b) Draft 3 deletes at least seven specific standards that CUPs must meet under current code (c) Draft 3 replaces specific requirements with three broad concepts and provides criteria only for consideration, not as required conditions of approval.	Tabled and Never Taken Up				-	-	-	-	-	-	-	-	-	-	-	-	-	-									
	Divided Original Motion 6	Reinstate LDC 25-5-143(C) to ensure advisory board input on CUPs in Waterfront Overlay	Passed	8	5	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
	Divided Original Motion 6 - RECONSIDERED	Leave the Language as is	Passed	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
21		Section 23-4B-1030 (1) Notice of Application. The director shall provide notice of an application for a minor use permit under Section 23-2C-5010 (Notice of Application) and allow parties to submit comments on the application for a period of at least 44- 30 days.	Failed	3	10	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4B-1020			White Exhibit - Conditional Use Permits (Pages 15-19)	Policy	<b>PAZ:</b> Do not oppose	21.5	
	Original Motion						-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific	23-4B-1030			Policy		21.6		
22	Original Motion	Section 23-4B-2040 (C) Permitting Decisions. Except as provided in Subsection (A), a decision by the Development Services Director or another responsible director to approve or disapprove a development application <del>because of non-compliance with the zoning code</del> may be appealed to the Board of Adjustment under Article 23-2I (Appeals).	Passed	9	2	1	-	-	-	-	Absent	-	-	-	-	-	-	-	-	-	Specific to Section	23-4B-2040			Language Revisions	<b>PAZ:</b> Code currently reads: "(C) Permitting Decisions. Except as provided in Subsection (A), a decision by the Development Services Director or another responsible director to approve or disapprove a development application may be appealed to the Board of Adjustment under Article 23-2I (Appeals). <b>DSD:</b> Clarify that appeal should be aligned with Texas Local Govt Code regarding operations and duties of the Board of Adjustment.	21.11		
23	Original Motion	Change the word "Applicant" to "Owner" in Section 23-4B-3040	Passed	12	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4B-3040			Language Revisions	<b>PAZ:</b> Do not oppose	21.14		
24	Original Motion	Change the word "standards" to "regulations" in Section 23-4B-4010(A) and (B)	Passed	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4B-4010(A) and (B)			Language Revisions	<b>PAZ:</b> Do not oppose	21.16		
25	Original Motion	Change the word "standards" to "regulations" in Section 23-4B-4020(B)(1)(c)(iii)	Passed	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4B-4020(B)(1)(c)(iii)			Language Revisions	<b>PAZ:</b> Do not oppose	21.17		
26	Original Motion	Change the word "may" to "shall" in Section 23-4B-4030(C)	Passed	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4B-4030(C)			Language Revisions	<b>PAZ:</b> Do not oppose	21.18		
27		In Section 23-4C-1010, create (B)(1) and (2) instead of (C) and (D), add " <u>and that have a zone that requires it</u> ", and strike " <del>four acres</del> " and replace with " <u>eight acres.</u> " In 23-4C-1040(B)(3), replace " <del>eight acres</del> " with " <u>twelve acres</u> "	Passed	7	6	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4C-1010(B)(1) and (2) 23-4C-1040(B)(3)			Language Revisions	<b>PAZ:</b> Oppose. Will reduce opportunities for civic open space. <b>PARD:</b> Oppose, the combination of this and #29 mean that no open space is required on projects 8 acres and greater. <b>WPD:</b> Oppose. Will reduce the enhanced natural function provided by larger, contiguous pervious areas. The Green Infrastructure Working Group supported the creation of contiguous areas of pervious cover that also enhance connectivity between sites and serve as desirable public and private open spaces.	22.5		
	Original Motion						-	-	-	-	-	-	-	-	-	-	-	-	-	-									
28		Delete Section 23-4C-1020(M)(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-									
	Substitute Motion	Instead of completely deleting 1020(M)(2), move this standard to the zone districts where the Code lists parking maximums, and if the applicant wishes to exceed the parking maximum of the zoning district then the site must incorporate at least three of the items listed in Table 23-4C-1020(A).	Passed	9	4	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Section	23-4C-1020(M)(2) 23-4D			Parking	<b>PAZ:</b> Oppose. Simpler and easier to understand as-is. <b>ATD:</b> ATD does not support providing 2x the minimum parking requirements and would rather suggest promoting on-site TDM programs to encourage non single-occupancy vehicle trips and the need for excessive on-site parking.	22.6		



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29																											
	Original Motion	Remove Section 23-4C-1030 Common Open Space, eliminating the Common Open Space requirement	Passed	7	6	0														General to Code	23-4C-1030			Open Space	PAZ: Zones that currently have "only" common open space requirements should have common open space replaced with personal open space.  DSD: For those projects that have no other open space requirement, common open space has provided a benefit not otherwise found since it was expanded in the 2013 amendments to Subchapter E (Design Standards). Concur with PAZ.  PARD: The combination of this item and #27 mean that no common open space is required on projects less than 8 acres in size.  WPD: Oppose. Will reduce the enhanced natural function provided by larger, contiguous pervious areas. The Green Infrastructure Working Group supported the creation of contiguous areas of pervious cover that also enhance connectivity between sites and serve as desirable public and private open spaces.	22.11	22.7 22.8 22.9 22.10 22.12 22.13 22.14 22.15 22.16 22.29
30																											
	Original Motion	Replace language in Section 23-4C-1040(B)(3) with: An application for a site plan or subdivision is not required to provide Civic open space when the site is: i) less than two acres, ii) located within one-quarter mile of a safe pedestrian travel distance of an existing and developed dedicated parkland that is at least one acre, measured from the boundary of the site to the nearest public entrance of the park, and iii) not located in a Park Deficient Area as determined by the Parks and Recreation Department.	Failed	1	12	0																					
	Substitute Motion	Replace language in Section 23-4C-1040(B)(3) with: An application for a site plan or subdivision is not required to provide Civic open space when the site is: i) less than four acres, ii) located within one-quarter mile of a safe pedestrian travel distance of an existing and developed dedicated parkland that is at least one acre, measured from the boundary of the site to the nearest public entrance of the park, and	Failed	4	8	1														Specific	23-4C-1040(B)(3)			Open Space		22.17	22.21
31																											
	Original Motion	Replace language in Section 23-4C-1040(B)(4) with: An applicant shall locate each residential lot within: (a) one-quarter mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located within the urban core; and (b) a half mile of a safe pedestrian travel distance from existing or proposed civic open space if the development is located outside of the urban core Add a definition of "safe pedestrian travel"	Passed	11	0	2																					
	Substitute Motion	Strike Section 23-4C-1040(B)(4)	Withdrawn	-	-	-														Specific to Section	23-4C-1040(B)(4)			Open Space	PAZ: Oppose. Redundant with existing civic open space access requirements.	22.18	
32																											
	Original Motion	Strike Section 23-4C-1040 and all of Section 23-4C-2	Failed	5	8	0														Specific	23-4C-1040 and all of 23-4C-2			Open Space		22.20	
33																											
	Original Motion	Revise the purpose statement in Section 23-4C-2010 to: This division sets the requirements for a wide range of civic open space types that are appropriate for the City. Civic Open Space aligns with Imagine Austin Priority "Use green infrastructure to protect environmentally sensitive areas and integrate nature into the city" and will ensure adequate open spaces are incorporated into comprehensive plan developments creating complete communities.	Failed	3	10	0														Specific	23-4C-2010			Open Space		22.26	
34																											
	Original Motion	Strike Section 23-4C-2050(D)	Passed	7	6	0														Specific to Section	23-4C-2050(D)			Open Space	Staff response pending	22.31	22.32
35																											
	Original Motion	Strike Section 23-4C-2050(E)	-	-	-	-																					
	Substitute Motion	Where appropriate for the nature of the Civic Open Space, the design shall make shade an integral feature for people utilizing the civic space.	Passed	8	4	1														Specific to Section	23-4C-2050(E)			Open Space	WPD: Oppose. The integration of shade into open space, especially through tree plantings, helps reduce urban heat island impacts and integrates nature into the city.	22.33	
	Original Motion	100% reduction in parking for properties located within a TOD	Passed	9	3	0					Absent																
36																											
	Amendment to Original Motion	Add the following language from current code on CBD/DMU Parking: Except for a use occupying a designated historic landmark or an existing building in a designated historic district, off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this paragraph. (a) The following requirements apply if no parking is provided for a use, other than parking for persons with disabilities: (i) the minimum number of accessible parking spaces is calculated by taking 20 percent of the parking required for the use under Appendix A ( Tables of Off -Street Parking and Loading Requirements ) and using that result to determine the number of accessible spaces required under the Building Code. The accessible spaces may be provided on - or off-site, within 250 feet of the use. (ii) The director may waive or reduce the number of accessible spaces required under Paragraph (2)(a)(i) if the applicant pays a fee in-lieu to be used by the city to construct and maintain accessible parking in the vicinity of the use.	Passed	10	1	1						Absent								General to Code				Parking	PAZ: Do not oppose. staff would need to amend each TOD plan to change the parking reduction from 40% max to 100% max. Not an item that can be addressed with D3.  ATD: ATD is in favor of requiring adequate ADA parking spaces, however off-site and/or fees in lieu will need to be addressed within the TCM.	22.34	
37																											
	Original Motion	100% reduction of parking for properties located within UNO	Passed	7	4	1						Absent								Specific to Section	23-4D-9130			Parking	PAZ: Do not oppose	22.34	
38																											
	Original Motion	List "Live Music Venue" as a separate use that is permitted in all the same use tables with the same permission standards as "Performance Venue/ Theater," but without the requirements for alcohol sales. Define in Definitions	Passed	13	0	0														Specific to Article	23-4D			Allowed Uses/ Specific to Use	PAZ: Oppose. This would allow live music venues to function as a bar and would be permitted in districts where Performance Venue/Theater is allowed (more permissive than a bar).	23.1	
39																											
	Original Motion	Whatever the compatibility trigger is, setbacks and setbacks both start at the triggering property's lot line (regardless of an alley)	Divided	-	-	-																					
	Divided Original Motion 1	Whatever the compatibility trigger is, setbacks start at the triggering property's lot line	Passed	13	0	0																					
	Divided Original Motion 2	Whatever the compatibility trigger is, setbacks start at the triggering property's lot line (regardless of an alley)	Passed	13	0	0														Specific to Article	23-4D			Compatibility/ Transition Zones	PAZ: Do not oppose	23.2	23.2 23.20 23.145 23.170 23.193



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						Vote Tallies			Vote by Commissioner											General to Code, General to Chapter, Specific to Article, or Specific to Section	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions	
Motion			Passed/ Failed	Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW									
40	Original Motion	See Shaw Exhibit 1 - Part 1 (Pages 7 & 9) for replacement compatibility standards	Not Acted On	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Shaw Exhibit - Part 1 (Page 7 and 9)	Compatibility/ Transition Zones	A-23.211.1				
	Substitute Motion 1	Alter the Working Group Proposal shown on Page 9 of Shaw Exhibit 1 - Part 1 with the following changes: Between 25-50 feet from the triggering lot line: 32 foot height limit At 150 feet from the triggering lot line: 85 foot height limit Full height at 300 feet Compatibility is triggered by distance, not adjacency	Divided	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Divided Substitute Motion 1	Reimplement all compatibility from Title 25, but there must be two or more residential uses within the necessary distances to trigger compatibility	Failed	-	4	9	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Divided Substitute Motion 2	Compatibility will be triggered solely by distances determined from the triggering lot line. Use and any other trigger from Title 25 will no longer apply.	Failed	-	5	8	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Divided Substitute Motion 3	For zones that require a compatibility setback, the Compatibility Height Stebacks exemptions shall be modified as follows: (a) Building height setbacks are required where a portion of a building is located: (i) across an alley less, than 20 feet in width, from a property zoned Residential House-Scale; (ii) across a right-of-way less than 60 80 feet in width from a property zoned Residential House-Scale; or (ii) adjacent to a property zoned Residential House- Scale.	Failed	-	6	6	0	-	-	Absent	-	-	-	-	-	-	-	-	-	-	-							
	Divided Substitute Motion 4	Between 25-50 feet from the triggering lot line: 32 foot height limit At 150 feet from the triggering lot line: 85 foot height limit Full height at 300 feet	Failed	-	5	8	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Substitute Motion 2	Intent to staff: From the front of a single-family home, you cannot see anything taller in the background; the McMansion tent sets the angle for all compatibility (approximately a 45 degree angle from a 6 foot high point on the back of the property line, but the motion is intent only).	Failed	-	5	7	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Substitute Motion 3	Chair Oliver's Exhibit 2 - Compatibility	Failed	-	5	N/A	N/A	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Substitute Motion 4	Keep D3 Compatibility Standards with those changes already voted on	Failed	-	6	7	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Substitute Motion 5 (Original Motion + Substitute Motion 1)	Alter the Working Group Proposal shown on Page 9 of Shaw Exhibit 1 - Part 1 with the following changes: Between 25-50 feet from the triggering lot line: 32 foot height limit At 150 feet from the triggering lot line: 85 foot height limit Full height at 300 feet	Not Acted On	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Amendment 1 to Substitute Motion 5	Density Bonus is not subject to compatibility after 50 feet from the triggering lot line	Failed	-	6	6	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Amendment 2 to Substitute Motion 5	Density Bonus is not subject to compatibility after 100 feet from the triggering lot line	Failed	-	6	6	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Amendment 3 to Substitute Motion 5	Between 25-50 feet from the triggering lot line: 35 foot height limit 50-100 feet: 45 foot height limit 100-150 feet: 65 foot height limit 150-225 feet: 75 foot height limit 225-300 feet: 90 foot height limit Full height at 300 feet Affordable bonuses are exempt at 100 feet	Passed	-	8	3	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
41	Original Motion	Change Cooperative Housing to Permitted in R1, R2B-E, R3B-C, R4C, RR and MH; Change Cooperative Housing to Permitted in zones R4A-C, RM1A-B; Change Cooperative Housing to Permitted in MH, MS1A, MU3B, MU4	Motion Divided	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Article	23-4D		Allowed Uses/ Specific to Use	Staff recommends the proposed Co-Housing land use.	23.3	23.6
	Divided Original Motion 1	Change Cooperative Housing to Permitted in MH, MS1A, MU3B, MU5	Passed	-	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Divided Original Motion 2	Change Cooperative Housing to Permitted in R1, R2B-E, R3B-C, R4C, RR and MH; Change Cooperative Housing to Permitted in zones R4A-C, RM1A-B	Motion Divided	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Divided Motion 2: A	Change Cooperative Housing to Permitted in R3B-C, R4C,R4A-C, RM1A-B;	Passed	-	7	3	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Divided Motion 2: B	Change Cooperative Housing to Permitted in R1 and R2B-E	Tabled - Never Acted On	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
Substitute Motion	Adopt staff recommendation for Co-Housing	Tabled - Never Acted On	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
42	Original Motion	Change Daycares that have less than 20 children to Permitted in all R zones. Change Commercial Daycares to MUP in R2B and above, and to CUP below R2B.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Article	23-4D		Allowed Uses/ Specific to Use	PAZ: Do not oppose	23.4	
	Substitute Motion	Daycares with less than 7 children permitted in R zones, Daycares with 7-20 children require a MUP in all R zones, Daycares with 7-20 children permitted in all RM zones; Commercial Daycares require a CUP in R zones; Commercial Daycares in RM zones stay the same as D3.	Passed	-	7	6	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
43	Original Motion	Update each district to max height of "35 feet from top of slab to top of roof" and "slab height is limited to a maximum of 5' above finished grade and a maximum of 12" above highest finished grade." Staff will continue to work to clarify and correct the height with the intent stated	Passed	-	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Article	23-4D		FAR/ Height	DSD: Oppose. This further complicates how height is to be measured, will increase plan submittal requirements, and could have unintended consequences, particularly in the Urban Watershed where there are no no cut and fill limits.	23.8	23.68 23.75
44	Original Motion	Delete Frontyard Impervious Cover Regulation in all R Zones	Passed	-	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Article	23-4D-2		Impervious Cover	PAZ: Oppose, deletion of this provision will allow paving of the entire front yard.	23.10	23.73 23.84 23.92 23.40
45	Original Motion	Allow pools and fountains in required yards without new setback or restrictions as currently allowed.	Passed	-	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Article	23-4D	White Exhibit 1 - Page 40 of 48	Setbacks	DSD: Do not oppose. Minimum fence height will need to be revised to 4'-0" to align with pool barrier req'ts of the technical code.	23.11	
46	Original Motion	Remove articulation from all R zones	Passed	-	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-							
47	Original Motion	Add a maximum FAR of 0.3 or 1800 sf to all R zones; Add a maximum FAR of 0.3 or 1150 sf for single-family attached (the intent is to reduce the available FAR to single-family by 25%)	Passed	-	12	1	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Article	23-4D-2		FAR/ Height	PAZ: Oppose. Unnecessarily complicated.	23.18	23.36
	Amendment to Original Motion	Intent is to reduce by 0.1 FAR under future motions	Passed	-	12	1	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-							



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			Vote Tallies			Vote by Commissioner										General to Code, General to Chapter, Specific to Article, or Specific to Section	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions				
Motion	Passed/ Failed	Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON									WHITE	SHAW		
48	Original Motion	In 23-4E-6170(C), change the following: "A duplex must comply with the requirements in this subsection. (1) The two units must be attached or no greater than 12 feet apart; and (2) At least one of the two units must have a front entry that faces the front thoroughfare except each unit located on a corner lot must each have a front entry that faces a separate thoroughfare."  In 23-13A-2, change the following: "DUPLEX. Two dwelling units on a single lot that are either attached or separated by no more than 12 feet A residential building containing two attached dwelling units on a single lot."	Passed	7	5	1													Specific to Section	23-4E-6170(C) 23-13A-2			Terms and Definitions	PAZ: Opposed. Would prefer units to remain attached as defined by "attached" in D3.  DSD: Opposed. Recommend keeping the units attached to avoid potential conflict with application of ADU provisions.	23.21		
49	Original Motion	Increase the base heights and bonus heights for Mixed Use and Main Street zones per Kenny's Exhibit 1 - Page 29 of 29	Failed	6	7	0													General to Article	23-4D	Kenny Exhibit 1 - Page 29 of 29	FAR/ Height			23.24		
50	Original Motion	Require a CUP for all Bars/ Nightclubs (Level 2 only) within 200 feet of a Residential zone rather than permitting by-right. Beyond 200 feet remains permitted by-right. Add specific language in Specific to Use section for Bars and Nightclubs	Passed	8	3	2													Specific to Article	23-4D			Allowed Uses/ Specific to Use	PAZ: Do not oppose. DSD: Do not oppose.	23.28	23.274	
51	Original Motion	Amend Section 23-4B-1030 Minor Use Permits to allow an appeal to City Council if Planning Commission does not approve by 2/3	Failed	4	9	0															Specific to Section	23-4B-1030			Policy	PAZ: Opposed. This would create a new precedent of having two separate appeal bodies and a two-step appeal process.	23.30
52	Original Motion	For Residential Zones that allow an ADU Preservation Incentive, change the name to ADU "Streetscale Incentive," and change the word "preserved" to "conserved." Add the definition of the word "conserved" to the definitions section as follows: Conserve: to maintain the height, footprint and roof line of an existing building for the first 25' as measured from the building line toward the rear lot line.	Passed	11	2	0													Specific to Article	23-4D			Terms/ Definitions	PAZ: Do not oppose.	23.33		
53	Original Motion	Apply the Street Scale Incentive (formerly the Preservation Incentive) to all Residential zones	Passed	12	1	0													Specific to Article	23-4D			Policy	PAZ: Do not oppose. - only makes sense for R zones that have FAR limit	A-23.33.1	23.77 57.3	
54	Original Motion	Reduce the number of uses to single family, two family, and multi-family Create a comparable Residential zone that maintains the 5,750 minimum lot size and a minimum 50 foot lot width	Divided	-	-	-													Specific to Article	23-4D		White Exhibit 1 - Page 35 of 48, Items A and B	Allowed Uses/ Specific to Use				
	Divided Original Motion 1	Reduce the number of uses to single family, two family, and multi-family	-	-	-	-																					
	Divided Original Motion with Amendments 1 and 2	Divided Original Motion with Amendments 1 and 2	Failed	6	6	1																					
	Divided Original Motion with Amendment 1 only	Divided Original Motion with Amendment 1 only	Failed	4	8	1																					
	Amendment to Divided Original Motion 1	Use the "unit" instead of "family"	Passed	12	1	0																					
55	Amendment to Divided Original Motion 2	Leave "ADU" as a permitted use	Passed	8	4	1													Specific to Article	23-4D		White Exhibit 1 - Page 35 of 48, Item B	Lot Size/ Intensity		PAZ: Opposed. Creating more zones with slightly different min. lot sizes and lot widths will cause confusion and add complexity.	23.37	23.35
	Divided Original Motion 2	Create a comparable Residential zone that maintains the 5,750 minimum lot size and a minimum 50 foot lot width	Taken up under separate action	-	-	-																					
	Original Motion	Create comparable R zones in R1 and R2 that maintain the 5750 sf minimum lot size and a minimum 50' lot width. Number of zones to be created is to be determined by staff.	Divided	-	-	-																					
	Divided Original Motion 1	Create comparable R zones in R1 and R2 that maintain the 5750 sf minimum lot size and a minimum 50' lot width. Number of zones to be created is to be determined by staff.	Passed	7	6	0																					
56	Divided Original Motion 2	Direct staff to map all existing 5750 as the proposed new zone.	Failed	2	9	2													Specific to Article	23-4D							
	Substitute Motion	Leave all R1B, R1C, and R2C zones as 5,750 sf minimum	Failed	3	8	2																					
	Original Motion	Revise the purpose statement in Section 23-4D-2010 to: This division establishes the land use and building form requirements for property zoned residential house-scale. The requirements are intended to implement the Comprehensive Plan and address the social and environmental values described in 23-1A-1020. are intended to ensure that proposed development is compatible with existing and future development on neighboring properties. Additionally, the requirements are intended to produce an environment of desirable character, consistent with the Comprehensive Plan and any applicable area plan.	Failed	6	7	0																					
57	Original Motion	Allow a three units, attached or detached, as a residential use in the R3 zones. Exact definition and alterations to Use Tables to be determined by staff.	Passed	10	3	0													Specific to Section	Table 23-4D-2030(B) Table 23-4D-2150(A) Table 23-4D-2160(A) Table 23-4D-2170(A) Table 23-4D-2180(A)			Allowed Uses/ Specific to Use	PAZ: Opposed; a use cannot be exclusively CUP	23.43		
58	Original Motion	Remove Single-Family Attached as an allowed use in the R2A, R2B, R2C, R3A, and R3B zones	Divided																Specific to Section	23-4D-2100 23-4D-2110 23-4D-2120							
	Divided Original Motion 1	Remove Single-Family Attached as an allowed use in the R2A, R2B, and R2C zones	Failed	6	N/A	N/A																					
59	Divided Original Motion 2	Remove Single-Family Attached as an allowed use in the R3A and R3B zones	Failed	2	8	3													Specific to Section	23-4D-2150 23-4D-2160							
	Original Motion	Add clarifying/ symbolic language to the Use Tables regarding the allowance and permitted timeframes of STRs	Passed	12	1	0												Specific to Article									
60	Original Motion	Add a "Small Lot Single Family Use" as a permitted use in R2C, R2D, and R2E with the following development standards: min. lot size: 2500 sf. max lot size: 4999sf min. lot width: 36' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max"	-	-	-	-												Specific to Article	23-4D-2130 23-4D-2140								
	Substitute Motion	Add a "Small Lot Single-Family Use" as a permitted use in R2D and R2E with the following development standards. R2C remains the same. min. lot size: 2500 sf. max lot size: 4999sf min. lot width: 36' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5', Rear 10'. Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max"	Passed	9	4	0																					



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		Motion	Passed/ Failed	Vote Tallies			Vote by Commissioner											General to Code, General to Chapter, Specific to Article, or Specific to Section	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions
				Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW						
61	Original Motion	In all R Zones, set the required lot size for an ADU to the minimum lot size for a single-family use. Retain all affordability requirements	Passed	11	1	1																	PAZ: Opposed. There are some zones where an ADU is allowed at a smaller min lot size than a single-family (eg when combined with single-family attached)  NHCD: NHCD recommends a fee-in-lieu, rather than on-site income-restricted affordable ADUs.  NHCD supports ADUs in general. With regard to ADUs and the Affordable Housing Bonus Program, the Department's position is that property owners opting into the program through ADU development pay a fee-in-lieu into the Housing Trust Fund, rather than income-restrict the ADU on their sites. We take this position for many reasons, including the higher per-unit cost associated with monitoring these units and potential issues related to how tenants are selected. City Council has expressed interest in creating a waitlist for affordable housing units that may include priorities for people with housing barriers (including criminal backgrounds, poor credit, or who are exiting homelessness). Employing this waitlist approach for ADUs may cause potential bonus program applicants to decide not to utilize the program at all. Other cities are grappling with how to enforce affordability in ADUs as well – Portland, OR decided not to require ADUs to be affordable after difficulties with their proposal were identified.	23.62	23.64 23.66 23.80
62	Original Motion	Add a new zone to the Residential zones which has the same development standards as R1C, but does not permit an ADU	Failed	2	11	0																		23.70	
63	Original Motion	In the Parking Tables in all zones, add clarifying notes to the term "Other Allowed Uses" that reference back to the Permitted Use Tables	Passed	12	0	1																		23.72	
64	Original Motion	Add a "Small Lot Single-Family Use" as a permitted use in R3 zones, R4 zones, RM1A, and RM1B to allow small houses on small lots without requiring them to be attached min. lot size: 2500 sf. max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'. Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max	-	-	-	-																			
	Substitute Motion 1	Rescind the related motion for a "Small Lot Single-Family Use" in the R2D and R2E	Failed	3	7	2																			
	Substitute Motion 2	Make one new zone (staff to determine which zoning base [R, RM, etc.]) for the Small Lot Single-Family Use with the following development standards: min. lot size: 2500 sf. max lot size: 4999sf min. lot width: 25' Building Size (max) for all Small Lot uses: the greater of .4 FAR or 1500 sf Building Placement add Small Lot Setbacks: Front 15', Side St. 10', Side 3.5' or 0 when adjacent to Small Lot Uses, Rear 10'. Building Form (1) Building Articulation New Construction add "Building Articulation is not required for Small Lot uses." Impervious Cover add "(2) Small Lot Impervious Cover 65% max, 55% building cover max  Staff to prepare a new zone that only permits the single use.	Passed	7	6	0																		23.78	23.114
65	Original Motion	Add/ amend the below definitions and place in correct location of the Code: Attached: When used with reference to two or more <del>buildings units</del> , means having one or more common walls or being joined by a roof, <del>ecovered porch or covered passageway measured 20 feet in depth, perpendicular to the front property line</del> . Detached: Fully separated from any other building, or joined to another building by structural members not constituting an enclose or covered space Staff to analyze intent of above language and recommend a definition that encompasses the intent of a clear definable difference	Passed	8	4	0					Absent														
	Amendment to Original Motion 1	Add the covered porch or covered passageway back to the definition of attached	Passed	9	2	1					Absent														
	Amendment to Original Motion 2	Strike the 20 feet in depth language	Withdrawn	-	-	-															White Item 1 - Page 41 of 48	Terms/ Definitions		23.82	
66	Original Motion	Add language to applicable zones regarding sideyard setbacks exemptions for Small Lot Single Family Attached, Single Family Attached, and Townhouse	Passed	11	0	1					Absent													23.87	
67	Original Motion	Add a bonus of "+150sf for each three bedroom unit within 500' of public school." for Single-Family and Duplex uses in R2-R4 zones where McMansion applies	Passed	8	1	3					Absent														
	Amendment to Original Motion	Remove the word "public"	Failed	5	8	0																		23.89	
68	Original Motion	Add a bonus of +0.1 FAR for every unit above Single Family Use in all R3 zones	Failed	3	9	0					Absent														
	Amendment to Original Motion 1	Apply bonus only outside 1/4 mile of an Imagine Austin Corridor; all votes regarding FAR would remain intact	Failed	2	10	0																			
	Amendment to Original Motion 2	Apply the bonus of 0.1, but with a maximum of 0.3 bonus FAR per lot	Failed	4	8	0																		23.90	23.117



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				Vote Tallies			Vote by Commissioner												General to Code, General to Chapter, Specific to Article, or Specific to Section	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions		
		Motion	Passed/ Failed	Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE									SHAW	
69	Original Motion	Add a bonus of +0.1 FAR for every unit above Single Family Use in all R4 zones	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
	Substitute Motion	Staff to find a way to alter the development standards to make R4 more feasible and recommend those changes to Council, particularly impervious cover	Passed	7	5	0						Absent									Specific	23-4D-219023-4D-22002			FAR/ Height	<b>PAZ:</b> Do not oppose. - will require all depts to re-evaluate R4.  <b>WPD:</b> WPD generally opposes increases in impervious cover limits without analysis of the potential impact. Would need to study the potential impacts on floodplains, erosion potential, etc., based on the mapping extent.	23.101	23.100 23.120
70	Original Motion	Amend the height of all accessory structures to 15 feet instead of 12 feet, as applicable	Passed	13	0	0															Specific to Article	23-4D			FAR/ Height	<b>PAZ:</b> Do not oppose. <b>DSD:</b> Do not oppose.	23.112	
71	Original Motion	Change all R4 minimum lot widths from 60 feet to 80 feet	Failed	5	7	1															Specific to Section	23-4D-2190 23-4D-2200 23-4D-2210			Lot Size/ Intensity		23.121	
72	Original Motion	Increase the base standard units of Cottage Court in the R4 zones from 3 to 4 units 6 to 8 units	Passed	11	0	1															Specific to Section	Table 23-4D-2190(A) Table 23-4D-2200(A) Table 23-4D-2210(A)			Lot Size/ Intensity	<b>NHCD:</b> Opposed, as it would impact ability to achieve affordable housing benefits.  Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or a decreased number of affordable units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.	23.123	
73	Original Motion	For RM1A and RM1B, change the minimum lot size to 5,750 sf and the minimum width to 50 feet	Failed	3	10	0															Specific to Section	23-4D-3050 23-4D-3060			Lot Size/ Intensity		23.130	
74	Original Motion	Create a new zone (RM1D) which has the same uses as R2C, but with a permitted density of 14 units per acre maximum. 0.4 FAR limit for the site R2C height limits, building form (mcmansion) and setback tables, 1 space per unit with additional proposed parking matrix reductions, Add Note to Table A: minimum 10' separation between buildings. No compatibility setbacks. No multi-unit buildings	Passed	12	1	0																						
	Amendment to Original Motion 1	Staff to review proposed zone to ensure it does not have a negative impact on Density Bonus program	Passed	13	0	0																						
	Amendment to Original Motion 2	New zone shall not be used within transition zones	Failed	6	6	1															Specific to Article	23-4D			New Zone	<b>PAZ:</b> Do not oppose. - staff would like to evaluate further <b>DSD:</b> Conflicts with FAR limit in motion 47 <b>NHCD:</b> Would need to review for any potential impact on Density Bonus program	23.134	
75	Original Motion	Eliminate Dwelling Unit per Acre requirements in all multi-unit zones	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
	Substitute Motion	Increase units per acre by 20% in all multi-unit zones for base and bonus units and always round the numbers up	Passed	8	5	0															Specific to Article	23-4D			Lot Size/ Intensity	<b>PAZ:</b> Need to understand effect on affordable housing bonus program  <b>NHCD:</b> Oppose increased base entitlements. Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or a decreased number of affordable units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.	23.135	23.126
76	Original Motion	Add Parking Facility as a permitted use with a CUP in RM2 zones and greater when adjacent to a Main Street or Mixed Use zone with the following design requirements to be stated in Specific to Use: (A) Screening: All areas used for parking, storage, waste receptacles or mechanical equipment shall be screened from a triggering property. Such screening may be a fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height. (B) Lighting: Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property. (C) Noise: The noise level of mechanical equipment shall not exceed 70 db at the property line of a triggering property. (D) Waste: Waste receptacles, including dumpsters, shall not be located within 50 feet of a triggering property. The City shall review and approve the location of and access to each waste receptacle. Collection of such receptacles shall be prohibited between 10pm and 7am. (E) From a parking structure facing and located within 100 feet of a triggering property: (1) Vehicle headlights shall not be directly visible, and shall be shielded from view (2) Parked vehicles shall be screened from the view of any public right of way; and (3) All interior lighting shall be screened from the view of a triggering property. (F) No vehicle entrances or exits from parking accessible to a MS or MU property may be located within 100 feet of a triggering property.	Passed	8	5	0															Specific to Article	23-4D			Allowed Uses/ Specific to Use	<b>PAZ:</b> Do not oppose. Currently a CUP in RM2B and RM4A	23.139	
77	Original Motion	Increase impervious cover in RM1A to 60% for all other uses beyond residential, unless the primary use is parking	Passed	13	0	0															Specific to Section	Table 23-4D-3050(F)			Impervious Cover	<b>WPD:</b> WPD generally opposes increases in impervious cover limits without analysis of the potential impact. Would need to study the potential impacts on floodplains, erosion potential, etc., based on the mapping extent.	23.140	
78	Original Motion	In the RM1A Zone: Option 1: Eliminate compatibility setback, consider changing landscape buffer to semi-opaque. Option 2: 1. Eliminate additional setback if Intermittent Visual Obstruction Buffer (20 ft) is kept 2. Reduce landscape buffer height to 23-4E-4100 (Semi Opaque Buffer, 6 ft) and reduce setback to 15 feet on side and rear 3. Eliminate additional setbacks and just have Semi-Opaque Buffer 4. Change which residential house scale zones trigger compatibility - ie R4A & R4B with MF allowed should not trigger compatibility for other MF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
	Substitute Motion	For RM1A and RM1B the following development standards be altered: McMansion tent (as McMansion is applied in Draft 3) apply Within 30 feet from a rear triggering property, height be limited to 2 stories Eliminate landscape buffer and articulation Side setback of 10 feet, as opposed to the 5 that is currently required in Draft 3	Passed	10	1	0	Absent							Absent							Specific to Section	23-4D-3050 23-4D-3060			Additional Development Standards	Not opposed with the following conditions: Recommend adjusting landscape buffer to width of compatibility setback. Recommend keeping landscape buffer for environmental & aesthetic benefits.	23.143	23.151 23.152 23.153
79	Original Motion	Staff to review setback, landscape buffer, and stepback and eliminate one from the requirements	Fails	6	7	0															Specific to Article	23-4D			Compatibility/ Transition Zones		23.150	



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				Vote Tallies			Vote by Commissioner											General to Code, General to Chapter, Specific to Article, or Specific to Section	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions			
		Motion	Passed/ Failed	Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON									WHITE	SHAW	
80	Original Motion	Increase the height maximums in Main Street zones as follows: MS1A, MS1B: 35' to 40' MS2A, MS2B, MS2C: 45' to 65' MS3A, MS3B: 60' to 80', 120' with AHBP Bonus  Increase the height maximums in Mixed Use zones as follows: MU1A, MU1B: 32' to 40' MU1C, MU1D, MU2A: 45' to 65' MU2B, MU3A, MU3B: 60' to 80' MU4A, MU4B: 60' to 80', 120' with AHBP Bonus MU5A: 100'	Not Acted On	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PAZ: Defer to NHCD; need to understand effect on Affordable Housing Bonus Program  NHCD: Oppose increased base entitlements. Need clarification on whether this motion included any increases in BASE heights, or if all height increases are achieved only through the affordable housing bonus program. Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or a decreased number of affordable units. Increases in bonus entitlements without any increases in base entitlements can increase participation in bonus programs.	23.156 23.178						
	Amendment to Original Motion	Change the bonus heights to those listed in the Kazi Exhibit MU/ MS Heights (see Kazi Exhibit) Keep the base heights as D3 for all zones except: MS1A, MS1B: 35' to 40' MU1A, MU1B: 32' to 40'	Passed	8	4	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-				Affordable Housing				
81	Original Motion	Allow Senior Housing with less than 12 residents as a permitted use in all MU1 zones Allow Senior Housing with greater than 12 residents as a MUP in MU1 zones	Passed	12	0	0	-	-	-	-	-	Absent	-	-	-	-	-	-	-	-	Specific to Section	Table 23-4D-4030(A)	White Exhibit 1 - Page 7 of 48	Allowed Uses/ Specific to Use	PAZ: Do not oppose.	23.162		
82	Original Motion	Allow the following uses as a permitted use in all MU and MS zones except MU1A and MU1B: Residential Care Facilities, Senior/Retirement Housing, Work/Live, Library, Museum, or Public Art Gallery, Meeting Facility, Mobile Food Sales, General Retail Under 5,000 SF, Performance Venue/Theater, Live Music, Indoor Recreation (all sizes), Cooperative Housing, Group Residential, Manufactured Home, and all sizes of Daycares	Passed	10	1	1	-	-	-	-	Absent	-	-	-	-	-	-	-	-	-	Specific to Section	Table 23-4D-4030(A) Table 23-4D-4030(B) Table 23-4D05030(A)	White Exhibit 1 - Page 7 and 8 of 48	Allowed Uses/ Specific to Use	PAZ: Do not oppose.	23.164	23.183	
83	Original Motion	For MS1A, MS1B, MU1A, and MU1B the following development standards be altered: Within 30 feet from a rear triggering property, height be limited to 1 stories No parking deck on top No deck or patio for alcohol or food Eliminate articulation (landscape buffer is still required) Side setback of 10 feet McMansion tent (as McMansion is applied in Draft 3) apply	Passed	12	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Article	23-4D-4060 23-4D-4070 23-4D-5060 23-4D-5070		Additional Development Standards	PAZ: Do not oppose. DSD: Concur with requiring landscape buffer	23.174	23.199	
84	Original Motion	Change all front yard setbacks from 5 feet to 0 feet in commercial zones (RM3A and up)	Passed	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Specific to Article	23-4D			Setbacks	Opposed.  DSD: Eliminating front setbacks would create conflicts with utility placements. DSD concurs with PWD's response, specifically with regard to street trees-- this impacts our ability to provide adequate soil volume, increases conflict with tree canopy, potential ADA and tree conflicts, and site distance.  ATD: ATD concurs with PWD response; specifically with regards to street trees, utilities, and ADA infrastructure.  PWD: On behalf of the cross-departmental, multi-year Utility Alignment & Street Tree Standards working group: 5' setbacks or greater are needed unless there are adjacent alleys that carry utilities. Conflicts with 0 foot setbacks include: impact ADA accessibility if there are architectural details or other encroachments into the sidewalk clear zone; interfere with placement & access to water meters; likely violate safety clearances for overhead power lines and utility poles; interfere with placement and access to customer water cutoffs & wastewater cleanouts on the private lot; and may preclude frontage landscaping such as street trees (as per the City's Complete Streets Policy and Great Streets standards). An illustration of values in conflict with 0 setbacks is available.	23.182 23.162 23.215	
	Amendment to Original Motion	Start at RM4A, not RM3A	Passed	13	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-						Setbacks		
85	Original Motion	Require a CUP for all Adult Entertainment in all applicable zones	Passed	11	0	0	-	-	-	-	-	Off dais	-	Absent	-	-	-	-	-	-	Specific to Article	23-4D		Allowed Uses/ Specific to Use	PAZ: Opposed; a use cannot be exclusively CUP	23.208		



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		Motion	Passed/ Failed	Vote Tallies			Vote by Commissioner											General to Code, General to Chapter, Specific to Article, or Specific to Section	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions		
				Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON									WHITE	SHAW
96	Original Motion	In Section 23-4E-4020(A)(1)(c), add the language " <u>and other residential house scale buildings</u> ." In Section 23-4E-4040(B), revise the language as follows: B. This section applies to commercial or <u>non-house scale</u> multi-family development that is located adjacent to a public right of way. In Section 23-4E-4050(C), revise to say " <u>commercial zones</u> " In Section 23-4E-4040, Exempt CC and DC (and any other urban zones) from this section as written (and it is recommended that CC does not require any minimum setback). In Section 23-4E-4040 Table A, reduce Front Yard Landscaping to 25% In Section 23-4E-4050, remove Foundation Buffer because some areas should not have landscaping next to the slabs. Soils engineers are against this on larger buildings. In Section 23-4E-4060(D), revise language to require an island every 10 spaces instead of 8 spaces In Section 23-4E-4060(F)(2), revise language to require a 9 foot landscape island instead of the 10 foot Direct Staff to take into consideration the results of the June 5th ASLA analysis of the Code, and ASLA's recommendation to move all landscape requirements to the Environmental Criteria Manual.	Passed	8	2	1						Off dais	Absent							Specific to Section	23-4E-4020(A)(1)(c) 23-4E-4040(B) 23-4E-4050(C) 23-4E-4040 Table 23-4E-4040(A) 23-4E-4050 23-4E-4060(D) 23-4E-4060(F)(2)			Landscaping	<b>DSD:</b> In Section 23-4E-4020(A)(1)(c): Do not oppose. In Section 23-4E-4040(B): Do not oppose. In Section 23-4E-4050(C): Opposed. Foundation buffer is appropriate for non-house scale RM. Suggest revising to say "commencial and non-house scale multi-family." In Section 23-4E-4040: Opposed. Site without sufficient area for Front Yard Planting in CC and DC zones is probably going to use Functional Green; keeping applicability general allows building design to dictate landscape requirments. In Section 23-4E-4040 Table A: Opposed. In Section 23-4E-4050: Opposed. In Section 23-4E-4060(D): Opposed. In Section 23-4E-4060(F)(2): Opposed. Larger islands are necessary to support tree health and allow trees to grow to full size and shade-giving potential. <b>WPD:</b> Oppose reductions in the amount of required landscaping. The Green Infrastructure Working Group recommended providing as much nature as possible at a variety of scales. In addition, they recommended ensuring that greenery on the public and private side of the property line work together to form a cohesive and functional green space.	A-24.26.1 24.27 24.28 24.29 24.30 A-24.30.1 24.31 24.32 24.33	
97	Original Motion	In all zones, require that all Townhouses and Live/Work units have at least one block face to be permitted	Failed	4	8	0						Absent								Specific to Section	23-4D			Allowed Uses/ Specific to Use	24.45		
98	Original Motion	Eliminate Short Term Rental as a permitted use	Failed	1	9	1						Off dais	Absent							Specific to Section	23-4D			Allowed Uses/ Specific to Use	24.53		
99	Original Motion	Permit 6 unrelated occupants per dwelling unit, and direct staff to allow more where appropriate	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
	Substitute Motion 1	Uphold the occupancy limits of 4 in McMansion and 6 outside of McMansion as directed by Council in 2016.	Failed	4	9	0																					
	Substitute Motion 2	Throughout the City (regardless of McMansion), set occupancy at the following standards: Single Family: 6 Duplex: 3 + 3 Single Family + ADU: 6 + 2 Duplex + ADU: 3 + 3 + 2 ADU alone: 2 Cottage court leave as is, with direction to staff to recommend to council additional occupancy limits where deemed appropriate	Passed	10	2	1														Specific to Article	23-4D			Terms and Definitions	<b>PAZ:</b> Do not oppose. proposal changes 2016 Council occupancy policy, however this proposal simplifies adminstration and enforcement of occupancy limits. Adding flexibility to occupancy limits would support the Strategic Housing Blueprint. <b>NHCD:</b> Adding flexibility to occupancy limits would support the Strategic Housing Blueprint.	24.73	
100	Original Motion	Recommend approval of Chapters 23-5, 23-7, 23-8, 23-9, 23-10, 23-12, and 23-13 with amendments previously approved	Passed	9	1	1							Absent		Off dais							Article 23-5 Article 23-7 Article 23-8 Article 23-9 Article 23-10 Article 23-12 Article 23-13 23-13A-1030			Policy		
	Amendment to Original Motion	In Article 23-13: Definitions and Measurements, revise the definition of Microbrewery from 15,000 barrels to 5,000 barrels, and review Draft 3 for any terms that have been left undefined, using motions from Planning Commission CodeNEXT Draft 3 Deliberation Spreadsheet as guidance	Passed	8	1	1						Recused	Absent		Off dais					Specific to Article Specific to Section				Terms and Definitions	<b>PAZ:</b> Do not oppose. However, by redefining microbreweries, which zones microwbreweries and breweries are permitted in should be reviewed.	N/A	
101	Original Motion	Require a variance for all Flag Lots as is required in Title 25	Passed	7	4	1														Specific to Section	23-5C-2040			Policy	<b>DSD:</b> Opposed. Flag lots are an important tool to address affordability, encourage infill and fight sprawl. The current code allows flag lots by-right for unplatted land, but requires a variance for platted lots when resubdividing. This is not a best practice. Staff's recommendation is to remove the variance requirement, but retain all other current standards. The following standards will remain: • Driveway/utility plan for residential lots. • Minimum lot width (20') with option for narrower width (15') with shared access. • Addresses for flag lots posted at closest point to street access. • The flag portion must meet minimum requirements of the applicable zone (size, width, etc). The pole does not count toward lot size.	A-27.8.1	



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				Vote Tallies			Vote by Commissioner										General to Code, General to Chapter, Specific to Article, or Specific to Section	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic	Staff Response	Original Planning Commission Motion	Related Planning Commission Motions			
Motion		Passed/ Failed	Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHEIH	THOMPSON									WHITE	SHAW	
102	Original Motion	Recommend approval of Chapter 23-6 with amendments previously approved and the following additional changes: 1. Direct Staff to revisit Site Plan Lite and establish a process not to exceed 2 months that is administered by DAC with Watershed Protection review.	Passed	8	3	0							Absent		Off dais					Specific to Article	23-6			Policy	Not Opposed.  <b>DSD:</b> Site Plans are the tool that the City uses to demonstrate a project's compliance with all applicable regulations across multiple departments and disciplines, reviewing the building and development in context with the site work. All interconnected disciplines evaluate a proposed development in context and ensure a conflict free construction. The scope of review matches the scope of the regulations; therefore, regulations would need to be reduced for these projects in order for the required review (and review mechanism) to be condensed. Additional policy direction is required in order to determine which regulatory areas the City would be willing to relax to incentivize this project type.  <b>WPD:</b> Open to working on this process with staff and policymakers. However, the Environmental Officer does not think 2 months is a reasonable timeframe for full environmental and drainage review.  <b>Austin Energy:</b> The length of a site plan review is often determined by the applicant's original effort put into the design and subsequent efforts to address comments or not	N/A	
103	Original Motion	Remove Section 23-9D-1030 (B)(1) Add (intent) language for the Article in general that the goal of the transportation Article is to take steps to reduce carbon pollution caused by vehicles as part of our commitment to the Paris Climate Accord, and we must work as a community to come up with solutions to our dependency on Single Occupancy Vehicles. Direct staff to look at vehicle miles traveled rather than level of service in terms of mitigation	Failed	5	5	1							Absent		Absent									Policy		44.4	44.5
104	Original Motion	Recommend approval of Chapter 23-11 with amendments previously approved and the following additional changes: 1. Technical Criteria Manuals go through a public process that are ultimately discussed at Planning Commission and possibly Council	Passed	11	0	0							Absent		Off dais					Specific to Article	23-11			Policy	<b>PAZ:</b> Not recommended for criteria manuals. Existing rules process allows public process for stakeholders of criteria manuals.  <b>DSD:</b> Do not recommend. The Technical Criteria Manuals are administrative. The process for amending them includes a public stakeholder process.  <b>WPD:</b> Need clarification of intent. 23-11 is the Technical Code (e.g., Building Code) and not the same as the Technical Criteria Manuals (e.g., Environmental Criteria Manual). The code establishes an administrative process for the adoption of rules and technical criteria.  <b>Austin Energy:</b> Are technical criteria merely to be "discussed" at PC and Council or debated? Technical criteria should be based on sound engineering rather than political judgements  <b>PWD:</b> There is an established Rules Posting Process to update Criteria Manuals. All notices are posted on the City's website: <a href="http://www.austintexas.gov/department/rule-postings-and-technical-criteria-manuals">http://www.austintexas.gov/department/rule-postings-and-technical-criteria-manuals</a> . Please contact the Rules Posting Manager to see if there are distribution lists for rules posting notices that individuals or groups can be added to.	N/A	
105	Original Motion	Add Accessory Apartment as a permitted use in all R zones as shown in Sheih Exhibit 2 - Accessory Apartment	Passed	8	3	1						Absent								Specific to Article	23-4D			Allowed Use/ Specific to Use	<b>DSD:</b> Opposed. Adds additional review complexity, potential conflicts with the building code, and will increase review times.	A-57.22.1	A-57.22.2
106	Original Motion	Revise the definition of Residential Gross Floor Area (GFA) to reduce the number of exemptions as follows: RESIDENTIAL GROSS (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term excludes loading-decks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas. In exchange, in all Residential Zones, allow for an increase of 0.05 FAR	Passed	8	5	0																					
	Amendment to Original Motion 1	Remove the change in FAR GFA excludes loading-decks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities up to 450 sf, driveways, and enclosed loading berths and off-street maneuvering areas.	Failed	5	7	1														Specific to Section	Article 23-13A-1030		See White Exhibit 1 - Page 36 of 48	Terms and Definitions	<b>NHCD:</b> Generally, for bonus programs any increase in base entitlements will decrease the attractiveness of bonus entitlements, and could lead to decreased participation in the bonus program or a decreased number of affordable units.	57.4	



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107	Original Motion	Map Imagine Austin Corridors as follows: 1) All commercial lots will be zoned as MS with the following rules: lots under 140 sq ft. deep zoned as MS2B, and lots between 140-220 sq ft. deep zoned as MS3B. Map Imagine Austin Corridors in gentrifying areas as follows: 2) All D3 R-zoned lots immediately adjacent to the (1) above MS lots AND have part of their lot within 1/8 mile of an IA corridor are rezoned as RM1C. 3) All D3 R-zoned lots that have part of their lot within 1/4 mile of an IA corridor are rezoned as R2C. Gentrifying areas defined by Kenny Exhibit 1 - Easter Crescent Gentrification Protection Zone (Page 28 of 29).	Divided	-	-	-																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
	Divided Original Motion 1	Map Imagine Austin Corridors as follows: 1) All commercial lots will be zoned as MS with the following rules: lots under 140 sq ft. deep zoned as MS2B, and lots between 140-220 sq ft. deep zoned as MS3B.	Passed	13	0	0																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
	Amendment to Divided Original Motion 1	Revise the Impervious Cover in MS2B to 90%, and MS3B to 95%	Passed	13	0	0																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
	Divided Original Motion 2	Map Imagine Austin Corridors in gentrifying areas as follows: 2) All D3 R-zoned lots immediately adjacent to the (1) above MS lots AND have part of their lot within 1/8 mile of an IA corridor are rezoned as RM1C. 3) All D3 R-zoned lots that have part of their lot within 1/4 mile of an IA corridor are rezoned as R2C. Gentrifying areas defined by Kenny Exhibit 1 - Easter Crescent Gentrification Protection Zone (Page 28 of 29).	Never taken up	-	-	-														General to Code Specific to Section	Table 23-4D-5080(H) Table 23-4D-5120(H)	Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29)	Mapping																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
108	Final Motion	Map Corridor Transitions per modified Kazi Corridor Transitions Directive, as voted on by Planning Commission  By general consensus, context sensitive mapping would be included in the Corridor Transition Mapping including: Planning commission shall propose mapping strategies for creating transition zones along IA corridors for City Council consideration. Although absolute distances are suggested for certain mapping strategies, actual mapping within transition zones shall take into consideration the character of the corridor and surrounding neighborhoods. This context sensitive mapping will take into consideration, but is not limited to the following: 1) Orientation of blocks relative to corridor. (Does block run parallel, perpendicular or at an angle?) 2) Block form (i.e. cul de sac, non-linear block form, grid) 3) Residential blocks sided by MS or MU zoned lots 4) Vicinity to transit centers 5) Direct access to the IA corridor 6) Proximity to an IA center 7) Near other major thoroughfares extending from the corridor 8) Bound by other zones, uses or environmental features	Passed	12	1	0														General to Code			Kazi Corridor Transitions Directive - Original and Modified per actions of Planning Commission	Compatibility/ Transition Zones																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
	Original Motion	Remove compatibility from CC zone	-	-	-	-																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
	Substitute Motion 1	Retain current compatibility in the western Judges Hill area per DAP, but with a 270 foot triggering distance	Failed	5	6	2																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
109	Substitute Motion 2	Direct staff to remove the compatibility impacts to CC zoning in the Downtown area, particularly related to the two parcels zoned R2C-H near Judge's Hill and the property on the southern corner of 15th street with R zoning. This includes F-25	Passed	10	3	0														Specific to Article	23-4D		Compatibility/ Transition Zones																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
110	Original Motion	Map Imagine Austin Regional Centers as UC-Unlimited, unless affected by compatibility. If affected by compatability, zone to the highest attainable UC per the limit of the affecting compatibility	Passed	13	0	0																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
	Amendment to Original Motion 1	Direct staff to look at current projected yield of affordable units for the Regional Centers and ensure that the anticipated yield is not being diminished by the effect of the prescribed zoning	Passed	13	0	0																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
	Amendment to Original Motion 2	Establish a program for Regional Center that uses opt-in methods similar to UNO, requiring certain development features, such as streetscaping, large-site connectivity, and mobility in order to get maximum heights.	Passed	13	0	0														General to Code			Mapping																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	



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				Vote Tallies			Vote by Commissioner												General to Code, General to Chapter, Specific to Article, or Specific to Section	Section Number	Annotated PC Motion Page No.	Related Exhibit	Broad Topic			Original Planning Commission Motion	Related Planning Commission Motions
Motion		Passed/ Failed	Ayes	Noes	Abstains	ANDERSON	HART	KAZI	KENNY	MCGRAW	NUCKOLS	OLIVER	SCHISLER	SEGER	SHIEH	THOMPSON	WHITE	SHAW									
111	Original Motion	Map the areas adjacent to core transit corridors, future core transit corridors, and Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors Exempt TODs from compatibility entirely	Divided	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
	Divided Original Motion 1	Map the areas adjacent to Imagine Austin corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors	Passed	9	4	0																					
	Divided Original Motion 2	Map the areas adjacent to core transit corridors and future core transit corridors using the new zoning tools in CodeNEXT such that compatibility is not triggered on at least 90% of the properties along these corridors	Passed	8	5	0																					
	Amendment 1 to Divided Original Motion 1 AND 2	Revise the language to set a goal of 90% while also taking into account lot size, localized flooding, existing infrastructure capabilities, connectivity/ access to corridor, and gentrification in applying the zones	Passed	10	3	0																					
	Amendment 2 to Divided Original Motion 1 AND 2	See Kenny Exhibit 1 - Eastern Crescent Gentrification Protection Zone (Page 28 of 29) For the areas identified in the Eastern Crescent Gentrification Protection Zone, establish a new zone of RM1C that features the base zoning of R2C with a 15 foot front setback, and the bonus entitlements of RM2A. This would be the default zone for behind corridors in the related map.	Passed	9	2	2																					
	Divided Original Motion 3	Exempt TODs from compatibility entirely, by either mapping or text as determined by Staff	Passed	9	4	0																					
	Amendment 1 to Divided Original Motion 3	Direct Staff to review policy on exempting TODs from compatibility	Passed	10	3	0																					
	Substitute Motion to Divided Original Motion 3	No additional changes to F25	Failed	4	8	1																					



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CodeNEXT Draft 3 Recommendation Report to City Council

				Vote Tallies			Vote by Commissioner											General to Code, General to Chapter, Specific to Article, or Specific to Section																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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Zone	In Draft 3		Kazi Amendment	
	Base	Bonus	Base	Bonus

Original Exhibit from Commissioners. No alterations made.  
See the Planning Commission Recommendation Report for final action.

MU1A	32		52	
MU1B	32		52	
MU1C	45		65	
MU1D	45		65	
MU2A	45		65	80
MU2B	60		80	95
MU3A	60		80	95
MU3B	60		80	95
MU4A	60	75	80	95
MU4B	60	75	80	120
MU5A	80		95	No max

MS1A	35		55	
MS1B	35		55	
MS2A	45		65	
MS2B	45		65	80
MS2C	45		65	80
MS3A	60		80	95
MS3B	60	85	80	120



## Kazi Corridor Transitions Directive

← Distance from Corridor →																				
Tier	Regional	Community	Neighborhood	Gentrifying	Rural	CORRIDOR	Block 1		< 60' ROW	Block 2		< 60' ROW - 1/8 mile	Block 3		< 60' ROW	Block 4		< 60' ROW - 1/4 mile	Block 5	
							Lot 1	Lot 2		Lot 1	Lot 2		Lot 1	Lot 2		Lot 1	Lot 2		Lot 1	Lot 2
8							MS2B/MS3B	MS2B		RM4A 60/80	RM2B 40/55		RM 40	R4		R3	R3		R2++	R2++
7							MS2B/MS3B	RM4A		RM2B	RM1B/RM2A		RM 35/45	R4		R3	R3		R2++	R2++
6							MS2B/MS3B	RM2B		RM1B/RM2A	R4		R4	R3		R3	R2++		R2++	R2++
5							MS 45/80	RM1B/RM2A		RM2A	R4		R4	R3		R3	R2++		R2++	R2++
4							RM2B	RM2A		RM1A	R4		R3	R3		R2++	R2++		R2++	R2++
3							MU1A/R4	R4		R3	R3		R2++	R2++		R2++	R2++		R2++	R2++
2							MS2B/MS3B	RM1C		R2++	R2++		R2++	R2++		R2++	R2++		R2++	R2++
1							RM1C	RM1C		R2++	R2++		R2++	R2++		R2++	R2++		R2++	R2++

Staff to use the assigned spectrum of Corridor Zones applicable to each corridor type to develop maps based on the following criteria:

1. Using the Corridor type tab, identify the corridor as Regional, Community, or Neighborhood.

2. Apply the a mix of zone on the corridor based on its corridor type and the chart above. No less than 1/3 of developable land area shall be the highest intensity T-type, and no more than 1/3 of developable land area shall be the lowest intensity T-type. Developable land area shall be exclusive of Critical Water Quality Zones, Floodplain, publicly owned land, parks, greenbelts, and other areas unsuitable for development or redevelopment. Don't decrease beyond the draft 3 entitlements. Use the appropriate zone based on the height above and the right zone based on amendments made to draft 3 at Planning Commission.

3. If segments of corridors in census tracts are identified as "Dynamic," "Early:Type 1," and "Susceptible" and beyond in the Gentrification Study Map, they shall be zoned as "Gentrifying." Downzone if the census tract is "Early: Type 1" and "Susceptible," but don't decrease entitlements if "Dynamic."

Regional	used across town traffic; predominantly commercial; higher traffic speeds
Community	used between multiple neighborhoods; intermittent to significant commercial presence; mix of lot sizes
Neighborhood	used primarily by neighbors; very light commercial or smaller scale commercial; slower speeds
Rural	used for primarily undeveloped areas with low density mix of uses; significant vacant or ag land

Original Exhibit from Commissioners. No alterations made.  
See the Planning Commission Recommendation Report for final action.



## CORRIDOR TYPES

Corridors	TYPE	GENTRIFYING SEGMENTS
15th/Enfield	Regional	
24th/Windsor	Neighborhood	
38th/35th	Neighborhood	
51st	Community	X
7th	Community	X
Airport (East)	Regional	X
Airport (West)	Community	
Anderson Lane	Community	
Anderson Mill	Community	
Avery Ranch	Neighborhood	
Barton Springs	Community	
Beckett Rd	Neighborhood	
Berkman	Neighborhood	X
Blake Manor Road	Rural	
Blocker Ln	Rural	
Blue Goose Rd.	Rural	
Braker	Regional	
Braker Extension		
Brodie Lane	Community	
Brush Country	Neighborhood	
Burleson (North)	Neighborhood	X
Burleson (South)	Regional	X
Burnet	Regional	X
Cameron (North)	Regional	X
Cameron (South)	Community	X
Cesar Chavez (East)	Community	X
Cesar Chavez (West)	Neighborhood	X
Chicon	Neighborhood	X
Convict Hill	Neighborhood	
Davis Lane	Neighborhood	
Dean Keaton	Neighborhood	
Decker	Community	X
Denson	Neighborhood	
Dessau	Community	X
Duval Road	Neighborhood	
East 12th	Neighborhood	X
Elroy Rd	Rural	
Escarpment	Community	
Exposition	Neighborhood	
Far West (East)	Community	
Far West (West)	Neighborhood	
Ferguson	Community	X
FM 1625	Rural	
FM 1825	Community	
FM 3177 (Decker)	Community	X
FM 812	Rural	
FM 973	Rural	
FM1626	Community	
Grand Ave Parkway	Community	
Great Hills	Community	
Greenlawn (North)	Neighborhood	
Greenlawn (South)	Community	
Guadalupe	Community	
Harris Branch	Neighborhood	
Heatherwilde	Community	
Howard (East)	Regional	
Howard (West)	Community	
Johnny Morris	Community	X
Jollyville	Community	
Justin Lane	Neighborhood	
Koenig/Allandale (East)	Community	
Koenig/Allandale (West)	Neighborhood	
Lake Austin	Regional	
Lake Creek (East)	Community	
Lake Creek (West)	Neighborhood	
Lakeline Blvd.	Community	

Corridors	TYPE	GENTRIFYING SEGMENTS
Lakeline Mall Dr.	Community	
Latta Dr		
Loyola	Community	X
Manchaca	Community	
Manor (East)	Community	X
Manor (West)	Neighborhood	
McCallen Pass	Community	
McKinney Falls	Community	X
McNeil	Regional	
Metric	Community	X
MLK	Community	X
North Lamar	Regional	X
North Loop	Neighborhood	
Nuckols Crossing	Neighborhood	X
Oltorf (East)	Community	X
Oltorf (West)	Neighborhood	X
Parkfield	Neighborhood	X
Parmer	Regional	
Payton Gin	Neighborhood	X
Pearce Ln	Rural	
Pleasant Valley	Regional	X
Pond Springs	Community	
Red Bud Trail	Neighborhood	
Riverside	Regional	X
RM 620	Regional	
Rosewood/Oak Springs	Neighborhood	X
Rundberg	Community	X
Rundberg Extension		X
Rutland (East)	Neighborhood	X
Rutland (West)	Community	X
S. 1st (North)	Neighborhood	
S. 1st (South)	Community	X
S. Congress	Regional	X
Slaughter Lane	Regional	X
South Lamar	Regional	
Southwest Parkway	Regional	
Spicewood Springs	Neighborhood	
Springdale	Neighborhood	X
Springdale Extension		X
St. Elmo	Community	X
St. John's	Neighborhood	X
Stassney (Central)	Regional	
Stassney (East)	Neighborhood	X
Stassney (West)	Neighborhood	X
Steck	Neighborhood	
Taylor Ln	Rural	
Thaxton	Rural	
Todd Lane	Community	
Tuscany Way	Community	
W 5th	Neighborhood	
W 6th	Neighborhood	
Walsh Tarlton	Neighborhood	
Well Branch Extension		
Wells Branch	Community	
West Gate	Neighborhood	
Westlake Dr.	Neighborhood	
William Cannon	Regional	X
Woodward	Neighborhood	

### Added since May 2nd

45th (East of Triangle Ave.)	Community	
45th (West of Triangle Ave.)	Community	
W Mary (Between S Congress and S Lamar)	Neighborhood	
Mesa Dr.	Neighborhood	



**Kazi Corridor Transitions Directive - Amendments acted on by the Planning Commission are Shown [File edited by staff]**

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							Lot 1	Lot 2		Lot 1	Lot 2		Lot 1	Lot 2		Lot 1	Lot 2		Lot 1	Lot 2
8	IA						MS2B/MS3B	MS2B		RM4A 60/80	RM2B 40/55		RM 40	R4		R3	R3		R2	R2
7							MS2B/MS3B	RM4A		RM2B	RM1B/RM2A		RM 35/45	R4		R3	R3		R2	R2
6		Comm					MS2B/MS3B (RM3B if R in D3)	RM2B		R4B	R4B/R3		R2++	R2++		R2++	R2++		R2	R2
5			Comm				MS1B	RM1A		R4B/R3	R3		R4	R3		R3	R2++		R2	R2
4							RM2B	R4D		R4	R3		R3	R3		R2++	R2++		R2	R2
3							MU1A (comm. On block) /R4C (res block)	R3		R2++	R2++		R2++	R2++		R2++	R2++		R2	R2
2							MS2B/MS3B (RM1C if R in D3, same as below)	RM1C		R2++	R2++		R2++	R2++		R2++	R2++		R2	R2
1							RM1C	RM1C		R2++	R2++		R2++	R2++		R2++	R2++		R2	R2

Block 2 and on are guidance for the future

Staff to use the assigned spectrum of Corridor Zones applicable to each corridor type to develop maps based on the following criteria:

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	Zone	R4D Base (new zone)	R4D AHBP
	Use	R4C+live/work	same
	Units / acre	4 (per lot)	8 (per lot)
	FAR	0.4:0.6	2
	Front setback	15	15
	Side Street Setback	15	15
	Side Setback	5	5
	Rear Setback	25	25
	Front adj to R	n/a	20
	Side St adj to R	n/a	n/a
	Side adj to R	n/a	n/a
	Rear adj to R	n/a	n/a
	Eve/Parapet Height	22	22
	Height overall	35	40
	Impervious Cover	55	60
	Building Cover	40	50
	Compatibility height	n/a	n/a
	Parking setbacks	Same as R4C	Same as R4C

Original Exhibit from Commissioners. No alterations made.  
See the Planning Commission Recommendation Report for final action.



	Zone	RM1C Base (new zone)	RM1C Bonus	RM1D Base (new zone)	RM1D Bonus	RM2A Bonus	RM2B Bonus	RM3A Bonus	RM4A Bonus	RM5A Bonus	RM5B Base	RM5B Bonus
	Use	Only SF, SF-Attached, Duplex	Same as RM1A	Same as RM1A	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Units / acre	Same as RM1A	52 (max)	Same as RM1A	58 (max)	60	80	Uncapped	Uncapped	Uncapped	Same as RM5A	Uncapped
	FAR	Same as RM1A	2	Same as RM1A	Uncapped	Uncapped	Uncapped	Uncapped	Uncapped	Uncapped	Same as RM5A	Uncapped
	Front setback	Same as RM1A	15	Same as RM1B	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Side Street Setback	Same as RM1A	5	Same as RM1B	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Side Setback	Same as RM1A	5	Same as RM1B	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Rear Setback	Same as RM1A	10	Same as RM1B	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Front adj to R	n/a		Same as RM1B	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Side St adj to R	n/a		Same as RM1B	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Side adj to R	n/a		Same as RM1B	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Rear adj to R	n/a		Same as RM1B	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Eve/Parapet Height	n/a	40	Same as RM1B	Same as base	n/a	n/a	n/a	n/a	n/a	Same as RM5A	n/a
	Height overall	Same as RM1A (35)	45	Same as RM1B	55	65	65	85	120	150	Same as RM5A	Uncapped
	Impervious Cover	Same as RM1A	60	Same as RM1B	Same as base	70	70	80	90	90	Same as RM5A	90
	Building Cover	Same as RM1A	50	Same as RM1B	Same as base	60	60	70	80	80	Same as RM5A	80
	Compatibility height	Same as RM1A	Same as RM1B	Same as RM1B	Same as base	Same as base	Same as base	Same as base	Same as base	Same as base	Same as RM5A	Same as base
	Parking setbacks	Same as RM1A	Removed	Same as RM1B	Same as base	Removed	Removed	Removed	Removed	Removed	Same as RM5A	Removed



[illegible]



	Zone	MS2B,C Base	MS2A,B,C Bonus	MS3A,B Bonus	MS3C Base (New Zone)	MS3C Bonus	MS4A Base (New Zone)	MS4A Bonus	MS4B Base (New Zone)	MS4B Bonus
	Use	Same as D3	None	None	Same as MS3B	None	Same as MS3B	None	Same as MS3B	None
	Units / acre	Same as D3 MS3B	n/a	n/a	Same as MS3B	n/a	Same as MS3B	n/a	Same as MS3B	n/a
	FAR	Same as D3 MS3B	n/a	n/a	Same as MS3B	n/a	Same as MS3B	n/a	Same as MS3B	n/a
	Front setback	Same as D3 MS3B	Same as base	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base
	Side Street Setback	Same as D3 MS3B	Same as base	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base
	Side Setback	Same as D3 MS3B	Same as base	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base
	Rear Setback	Same as D3 MS3B	Same as base	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base
	Front adj to R	Same as D3 MS3B	Same as base	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base
	Side St adj to R	Same as D3 MS3B	Same as base	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base
	Side adj to R	Same as D3 MS3B	Same as base	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base
	Rear adj to R	Same as D3 MS3B	Same as base	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base
	Eve/Parapet Height	n/a	n/a	n/a	Same as MS3B	n/a	Same as MS3B	n/a	Same as MS3B	n/a
	Height overall	60 (45)	85 (45)	110	Same as MS3B	150	Same as MS3B	180	Same as MS3B	uncapped
	Impervious Cover	90 (80)	90 (80)	95	Same as MS3B	95	Same as MS3B	95	Same as MS3B	95
	Building Cover	80 (70)	80 (70)	90	Same as MS3B	90	Same as MS3B	90	Same as MS3B	90
	Compatibility height	Same as D3 MS3B	Same as D3 MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base	Same as MS3B	Same as base
	Parking setbacks	Same as D3 MS3B	Removed	Removed	Same as MS3B	Removed	Same as MS3B	Removed	Same as MS3B	Removed



# THE ANTI-DISPLACEMENT PLAN: SLOWING GENTRIFICATION & CREATING AFFORDABLE HOMES

By  
Conor Kenny &  
Angela de Hoyos Hart,





# AGENDA

PROBLEM STATEMENT

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## THE PROBLEM: MCMANSION REDEVELOPMENT

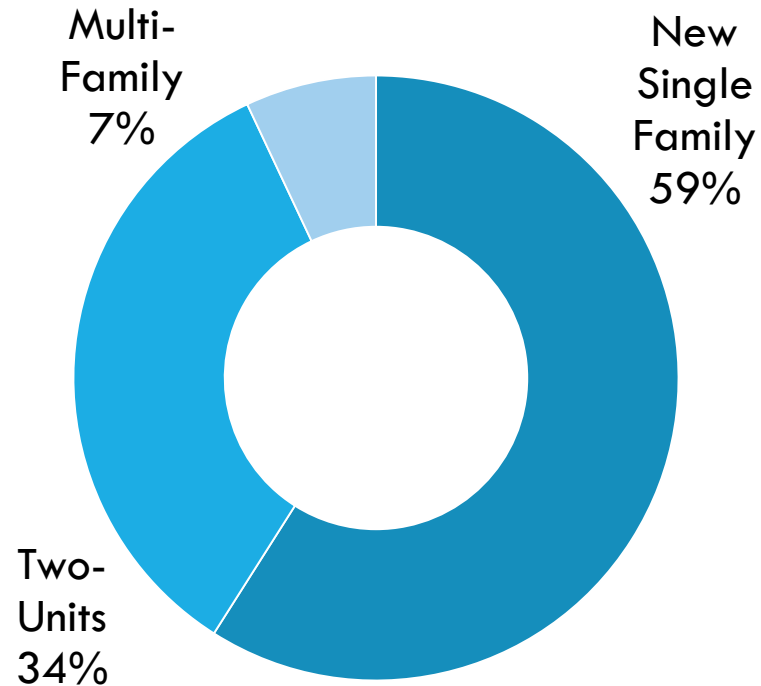
CURRENT CODE CAUSES DISPLACEMENT, GENTRIFICATION, AND THE AFFORDABILITY CRISIS BY ENCOURAGING REPLACEMENT OF SMALLER, AFFORDABLE HOMES WITH MCMANSIONS

- Austin's current code makes it more profitable to build a McMansion than a Duplex or ADU
  - Higher price for duplex or house + ADU doesn't outweigh added costs (additional kitchen, bathrooms, parking, utility fees)
  - McMansion ordinance limiting size and form + strict rules for duplexes = easy to build McMansion, hard to build duplexes
  - McMansion ordinance ends up just being the formula for building McMansions
- Traditional modest-sized Austin homes are demolished and mostly replaced with single-family McMansions, which are expensive partly because they are so big
- As residential lots are redeveloped, no units are added = no relief for high demand for homes in central city
- Result: Lots of development and displacement without lots of new housing; higher prices

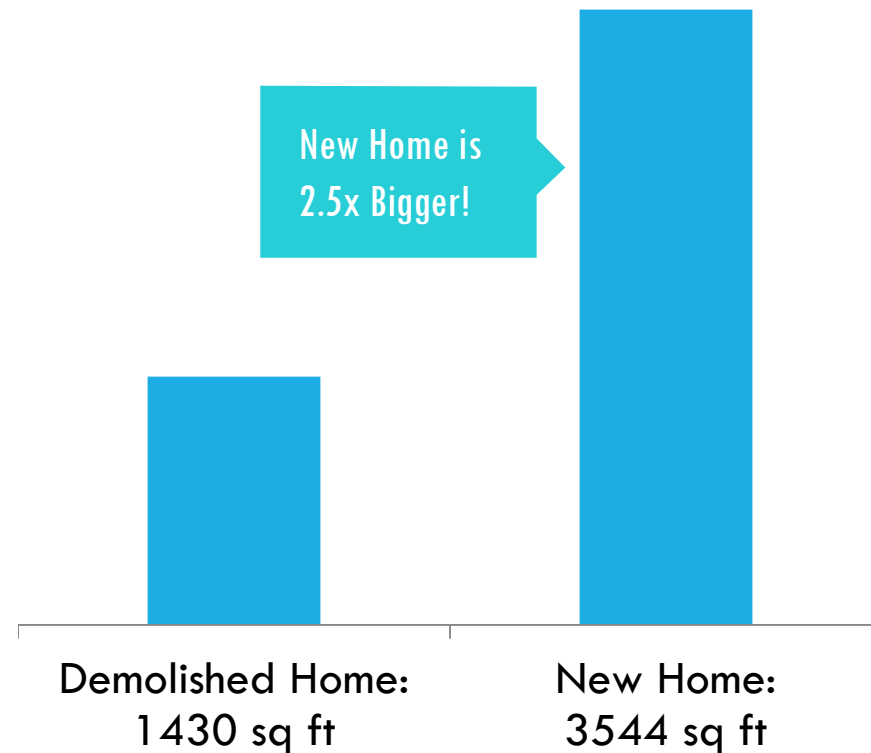


## DEMOLISHED SINGLE FAMILY HOMES ARE MOSTLY REPLACED BY SINGLE MCMANSIONS (REPLACED SINGLE FAMILY HOMES 2012-2017)

### Demolished SF Homes Replaced By:



### Avg. Size of Demolished vs. Replacement SF Home



SOURCE: Austin demolition and construction permit data, Development Services Division



## THE PROBLEM: MCMANSION REDEVELOPMENT

MCMANSION ORDINANCE SIZE LIMITS ARE STILL BIG ENOUGH FOR MCMANSIONS,  
TREAT MULTI-UNIT HOMES AND MCMANSIONS THE SAME

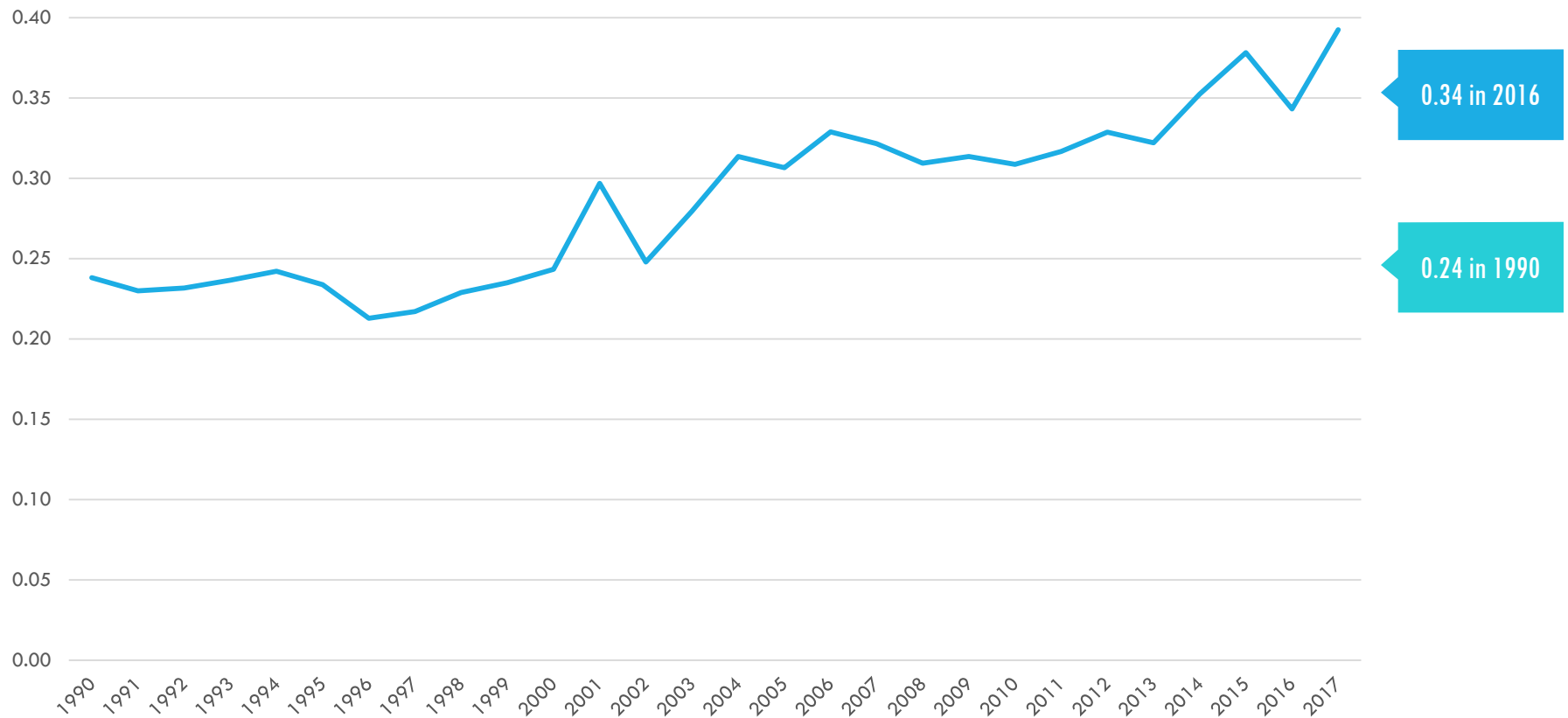
- Current McMansion Ordinance limits square footage of housing in central Austin to 40% of the lot area (“0.4 FAR”)
- Austin homes have historically been much smaller (0.24 FAR in 1990)
- Recent construction has trended much bigger
- Multi-unit homes like duplexes and home+ADU where multiple families split the lot have the same square footage



## THE PROBLEM: MCMANSION REDEVELOPMENT

FAR HAS BEEN INCREASING STEADILY AS BUILDERS MAX OUT ENTITLEMENTS

FAR FOR NEW HOMES OR NEW ADDITIONS: 42% INCREASE SINCE 1990



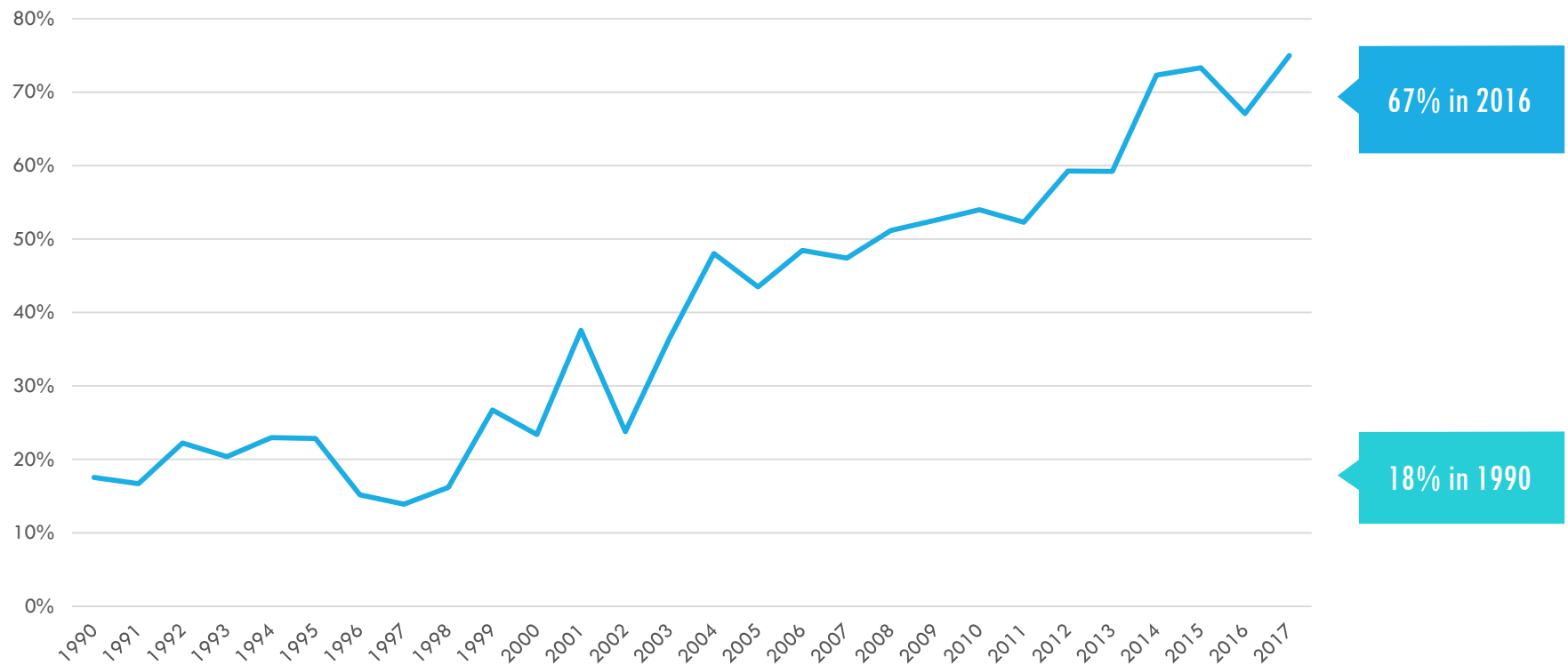
SOURCE: Travis County Assessment District data. Average FAR for new and remodel construction on residential lots on sf1, sf2, sf3.



## THE PROBLEM: MCMANSION REDEVELOPMENT

THE PORTION OF HOMES MAXING OUT SQUARE FOOTAGE HAS SKYROCKETED

PERCENT OF NEW HOMES OR NEW ADDITIONS BETWEEN 0.3 AND 0.4 FAR:  
3.7 X INCREASE FROM 1990 TO 2016



SOURCE: Travis County Assessment District data. FAR for new and remodel construction on residential lots on sf1, sf2, sf3.



## ANTI-MCMANSION ORDINANCE

WE HAVE A MCMANSION ORDINANCE  
IT'S TIME FOR AN ANTI-MCMANSION ORDINANCE

- Policy:

- **Single family home (no ADU):** Reduce FAR to 0.3 or 1800 sq ft (whichever higher)
- **Two units or more (ADU, duplex, etc):** Keep current 0.4 FAR

- Benefits:

- **Leaves the door open for future ADUs:** Leaves is 500 – 1,100 sq ft. (depending on lot size) to spare if only a single family home is built
- **Slows gentrification and displacement:** CodeNEXT consultants estimate it reduces developer lot valuation by 10% - turns many current “worth redeveloping” lots into “not worth it redeveloping”
- **Produces more – and more modestly priced – homes:** Tips the scales towards building two units instead of one *when* a lot is going to be redeveloped.
- **Does not decrease building capacity on a lot:** Square footage is the same for two or more units as under current code.



## ANTI-MCMANSION ORDINANCE

### EFFECTS ACROSS SINGLE-FAMILY USE TYPES

	All Residential Zones		
Lot Size	McMansion Single-Family	Anti-McMansion Single Family	McMansion SF Difference
5000	2300	1800	500
5750	2300	1800	500
7000	2800	2100	700
8000	3200	2400	800
9000	3600	2700	900
10000	4000	3000	1000
11000	4400	3300	1100



## ANTI-MCMANSION ORDINANCE - EXAMPLES

THE HOMES ON THE LEFT ARE ILLEGAL UNDER TODAY'S MCMANSION ORDINANCE;  
THE HOME ON THE RIGHT IS LEGAL TODAY, BUT WOULD BE ILLEGAL UNDER ANTI-MCMANSION



2000 sq ft homes built under former small  
lot amnesty in North Loop  
(we could allow as separated duplex)



3600 sq ft home (0.39 FAR) built under current code  
recently described on Facebook as an example of how  
“CodeNEXT breaks Austin”



## CITYWIDE AFFORDABLE ADU BONUS

HOW CAN WE HELP AFFORDABILITY CRISIS WHEN LOTS DO GET REDEVELOPED?

- If you build an income-restricted ADU to a lot zoned R1-3:
  - ADU size restricted by standard zone bracketing
  - ADU does not count against unit count or overall FAR calculation
  - No configuration limits on ADU – attached or detached
  - Incentive: Receive FAR bonus on main unit equal to size of affordable ADU
- Benefits:
  - **Creates affordable housing:** Lots that redevelop existing market-affordable units will produce income-restricted affordable ADUs (policy encourages bigger affordable ADUs, often about same size as home being demolished)
  - **No increase in redevelopment:** Without a city subsidy (tax abatement, subsidy from fee-in-lieu, etc.), the bonus isn't profitable, so this doesn't make lots more attractive to developers
  - **Heals gentrified communities:** Combined with Right-to-Return, this creates opportunities within the neighborhood for displaced families to return
  - **Residential-scale:** Bonus does not increase height or reduce setbacks – same as adjacent homes
  - **No increase in flooding risk:** Bonus does not increase impervious cover



## CITYWIDE AFFORDABLE ADU BONUS - EXAMPLE

HOW CAN WE HELP AFFORDABILITY CRISIS WHEN LOTS TURN OVER?

On an 8,000 sq ft. lot with R1-3 zoning **allowing ADUs but not duplexes**:

- Under D3 you could build a 3,200 sq. ft. house
- With Anti-McMansion you could build:
  - 1) 2,400 sq ft. house; or
  - 2) 2,400 sq ft. house and 800 sq ft. ADU (combined max area of 3,200 sq ft – CodeNEXT allows up to a 1,100 sq ft ADU for this size lot)
- With the Citywide Affordable ADU bonus, you could build:
  - 1) a market-rate house of 4,300 sq ft and an income-restricted 1,100 sq ft ADU (combined max area of 5,400); or
  - 2) a market-rate house of 3,200 sq ft, a market-rate 1,100 sq ft ADU and an income-restricted 1,100 sq ft ADU (combined max area of 5,400)



## CITYWIDE AFFORDABLE ADU BONUS - EXAMPLE

HOW CAN WE HELP AFFORDABILITY CRISIS WHEN LOTS DO REDEVELOP?

On an 8,000 sq ft. lot with R1-3 zoning **allowing duplexes**:

- Under D3 you could build a 3,200 sq. ft. house or duplex
- With Anti-McMansion you could build:
  - 1) 2,400 sq ft. house; or
  - 2) 2,400 sq ft. house and 800 sq ft. ADU (combined max area of 3,200 sq ft – CodeNEXT allows up to a 1,100 sq ft ADU for this size lot)
- With the Citywide Affordable ADU bonus, you could build:
  - 1) a market-rate house of 4,300 sq ft and an income-restricted 1,100 sq ft ADU (combined max area of 5,400); or
  - 2) a market-rate house of 3,200 sq ft, a market-rate 1,100 sq ft ADU and an income-restricted 1,100 sq ft ADU (combined max area of 5,400); or
  - 3) a market-rate duplex with 2,150 sq ft on each side and an income-restricted 1,100 sq ft ADU (combined max area of 5,400)



# CITYWIDE AFFORDABLE ADU BONUS – AUSTIN EXAMPLES

TRIPLEXES OF THIS SIZE WERE BUILT IN AUSTIN BEFORE 1987 CODE ADOPTION



**1615 Pearl St (built 1910): 5120 sq ft buiding,  
9583 sq ft lot (0.53 FAR)  
Citywide bonus max: 6033 sq ft (0.63)**



**1310 San Antonio (built 1972): 3614 sq ft building,  
5632sq ft lot (0.64 FAR)  
Corridor bonus max: 4250 sq ft (0.75 FAR)**



## CORRIDOR AFFORDABLE ADU BONUS

HOW CAN WE HELP AFFORDABILITY CRISIS WHEN LOTS TURN OVER?

- If you build an income-restricted ADU in an R1-3 zone *within ¼ mile of a corridor*:
  - Allow two additional ADUs – 1 market rate, 1 income restricted
  - ADU sizes restricted by standard zone bracketing
  - FAR of both ADUs exempt from overall FAR calculation and unit count (but limited to 4 units total)
  - No configuration limits on ADU – attached or detached
  - Front setback changes from 25 ft. to 15 ft. (flexibility to accommodate heritage trees)
  - Incentive: Receive FAR bonus on main units equal to size of affordable ADU
- Benefits:
  - All benefits of the Citywide Affordable ADU Bonus
  - **But this one works without public funding:** This bonus is within +/- \$50,000 of being worth it for a developer, which is within reach of fee waivers or other non-cash incentives
  - **Which means developers will start producing affordable housing now:** No bonds need to be passed or fee-in-lieu generated from other sources – developers will build this one



## CORRIDOR AFFORDABLE ADU BONUS - EXAMPLE

HOW CAN WE HELP AFFORDABILITY CRISIS WHEN LOTS DO REDEVELOP?

On an 8,000 sq ft. lot with R1-3 zoning **allowing duplexes**:

- Under D3 you could build a 3,200 sq. ft. house or duplex
- With Anti-McMansion you could build:
  - 1) 2,400 sq ft. house; or
  - 2) 2,400 sq ft. house and 800 sq ft. ADU (combined max area of 3,200 sq ft – CodeNEXT allows up to a 1,100 sq ft ADU for this size lot)
- With the Corridor Affordable ADU bonus, you could build (assume duplex):
  - 1) a market-rate duplex with 2,150 sq ft on each side;  
an income-restricted affordable 1,100 sq ft ADU; AND  
a market-rate 1,100 sq ft ADU (combined max area of 6,500)



# CORRIDOR AFFORDABLE ADU BONUS – AUSTIN EXAMPLES

FOURPLEXES OF THIS SIZE ARE BEING BUILT IN MUELLER RIGHT NOW



**Mueller Fourplex: 7,017 sq ft, 9677 sq ft lot  
(0.73 FAR)**

**Corridor bonus max: 7170 sq ft (0.74 FAR)**



**3800 Tilley St: 6816 sq ft, 7759 sq ft lot (0.88 FAR)**

**Corridor bonus max: 7759 (0.82 FAR)**



# CORRIDOR AFFORDABLE ADU BONUS - CONFIGURATIONS

	Lot Size	Anti-McMansion Single Family	Single Family w/ ADU						Duplex					
		House	House	ADU	Income-Restricted ADU	Bonus Market ADU	Total	FAR	Unit A	Unit B	Income-Restricted ADU	Bonus Market ADU	Total	FAR
Base	2500	n/a	n/a	n/a	n/a	n/a	-	-	n/a	n/a	n/a	n/a	-	-
Citywide ADU Bonus		n/a	n/a	n/a	n/a	n/a	-	-	n/a	n/a	n/a	n/a	-	-
Corridor ADU Bonus		n/a	n/a	n/a	n/a	n/a	-	-	n/a	n/a	n/a	n/a	-	-
Base	3500	n/a	n/a	n/a	n/a	n/a	-	-	n/a	n/a	n/a	n/a	-	-
Citywide ADU Bonus		n/a	n/a	n/a	n/a	n/a	-	-	n/a	n/a	n/a	n/a	-	-
Corridor ADU Bonus		n/a	n/a	n/a	n/a	n/a	-	-	n/a	n/a	n/a	n/a	-	-
Base	5000	1800	1325	975	n/a	n/a	2300	0.46	1150	1150	n/a	n/a	2300	0.46
Citywide ADU Bonus		-	2300	975	975	n/a	4250	0.85	1637	1637	975	n/a	4250	0.85
Corridor ADU Bonus		-	2300	975	975	975	5225	1.05	1637	1637	975	975	5225	1.05
Base	5750	1800	1325	975	n/a	n/a	2300	0.40	1150	1150	n/a	n/a	2300	0.40
Citywide ADU Bonus		-	2300	975	975	n/a	4250	0.74	1637	1637	975	n/a	4250	0.74
Corridor ADU Bonus		-	2300	975	975	975	5225	0.91	1637	1637	975	975	5225	0.91
Base	7000	2100	1700	1100	n/a	n/a	2800	0.40	1400	1400	n/a	n/a	2800	0.40
Citywide ADU Bonus		-	2800	1100	1100	n/a	5000	0.71	1950	1950	1100	n/a	5000	0.71
Corridor ADU Bonus		-	2800	1100	1100	1100	6100	0.87	1950	1950	1100	1100	6100	0.87
Base	8000	2400	2100	1100	n/a	n/a	3200	0.40	1600	1600	n/a	n/a	3200	0.40
Citywide ADU Bonus		-	3200	1100	1100	n/a	5400	0.68	2150	2150	1100	n/a	5400	0.68
Corridor ADU Bonus		-	3200	1100	1100	1100	6500	0.81	2150	2150	1100	1100	6500	0.81
Base	9000	2700	2500	1100	n/a	n/a	3600	0.40	1800	1800	n/a	n/a	3600	0.40
Citywide ADU Bonus		-	3600	1100	1100	n/a	5800	0.64	2350	2350	1100	n/a	5800	0.64
Corridor ADU Bonus		-	3600	1100	1100	1100	6900	0.77	2350	2350	1100	1100	6900	0.77
Base	10000	3000	2900	1100	n/a	n/a	4000	0.40	2000	2000	n/a	n/a	4000	0.40
Citywide ADU Bonus		-	4000	1100	1100	n/a	6200	0.62	2550	2550	1100	n/a	6200	0.62
Corridor ADU Bonus		-	4000	1100	1100	1100	7300	0.73	2550	2550	1100	1100	7300	0.73
Base	11000	3300	3300	1100	n/a	n/a	4400	0.40	2200	2200	n/a	n/a	4400	0.40
Citywide ADU Bonus		-	4400	1100	1100	n/a	6600	0.60	2750	2750	1100	n/a	6600	0.60
Corridor ADU Bonus		-	4400	1100	1100	1100	7700	0.70	2750	2750	1100	1100	7700	0.70



## COMPLEMENTARY POLICIES

### THE OTHER PIECES TO THE PUZZLE

- **Right of Return**
  - Council directed staff to evaluate “right of return” language
  - Affordable ADU bonus offers people displaced from neighborhoods opportunities to return within their old neighborhoods
- **Don’t Increase Zoning for Affordable Multi-Family Buildings**
  - Older multi-family apartments are some of last market-rate affordable homes
  - CN Draft 3 generally holds line that older MF buildings (existing market rate affordable) do not have increased entitlements – Planning Commission should make sure this is 100% during mapping
- **Increase Housing Capacity Outside of East Austin**
  - Small-scale bonuses can only do so much – housing shortage **MUST** be eased to relieve pressure on East Austin and other gentrifying areas. Maxing corridor capacity all over Austin to dramatically increase supply/capacity of units critical to address displacement issues
- **Remove Restrictions on Duplexes**
  - CN Draft 3 removed many pointless rules on duplex configurations
  - Planning Commission should further loosen so duplexes can be close but not attached



# AUSTIN IS AT THE CROSSROADS

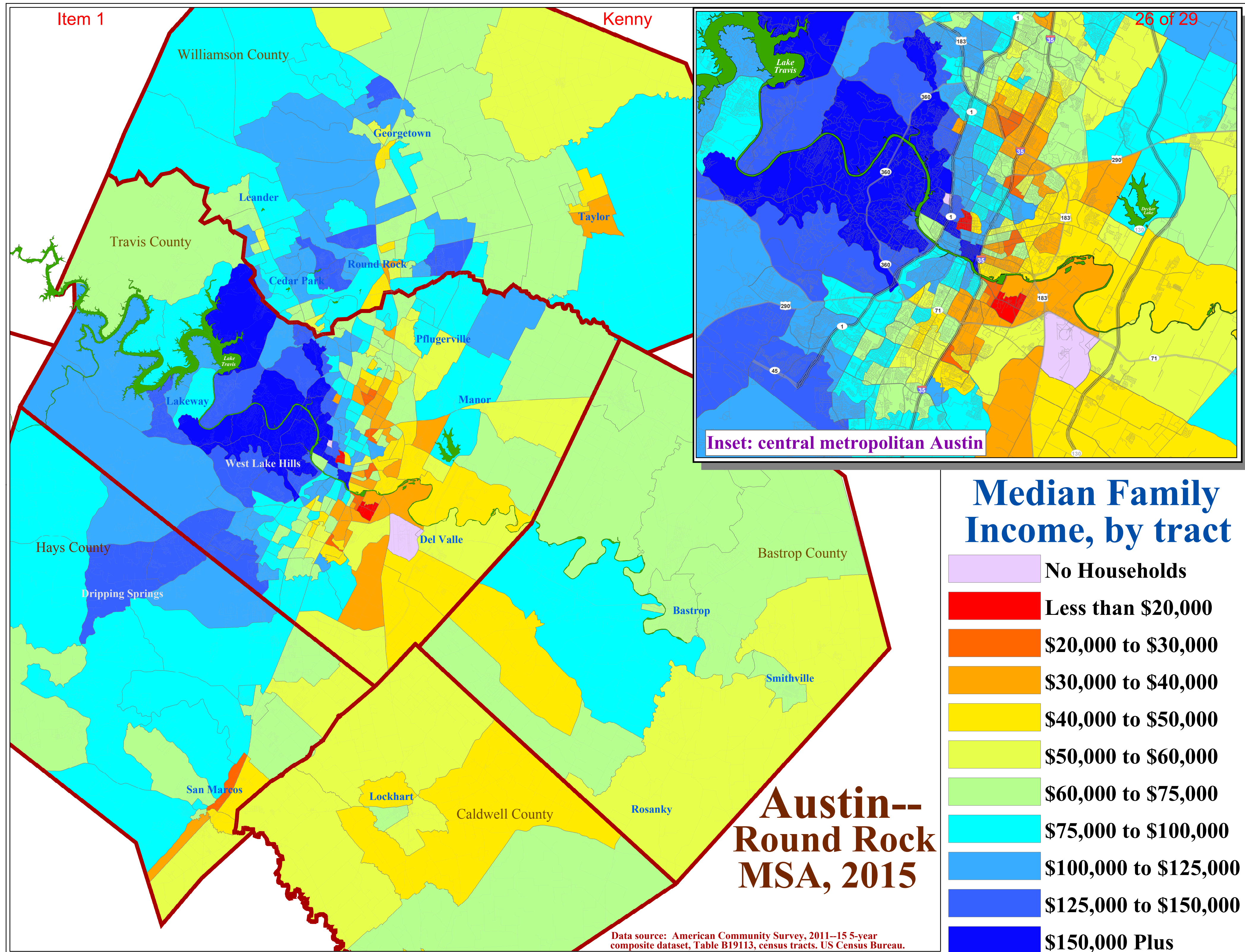
WHICH FUTURE DO YOU WANT FOR OUR CITY?



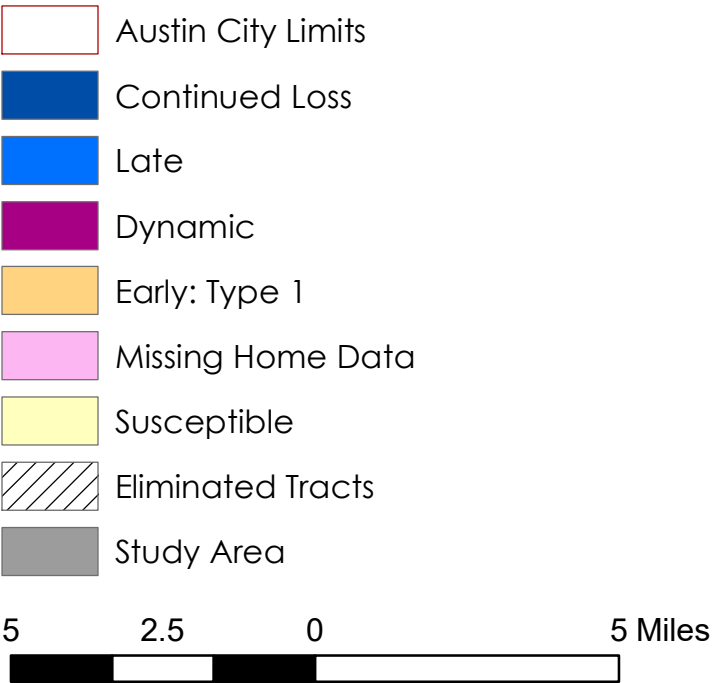
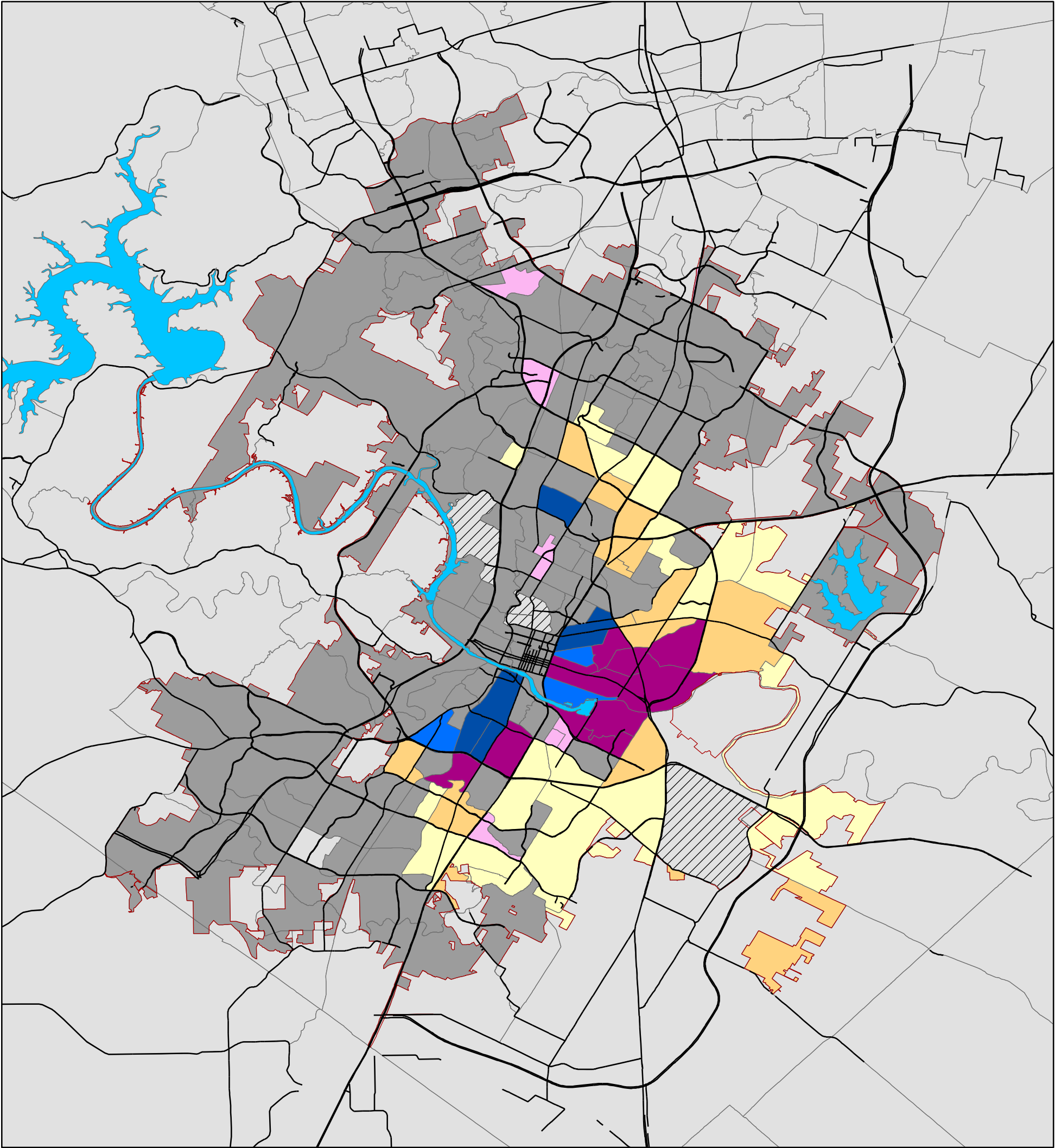






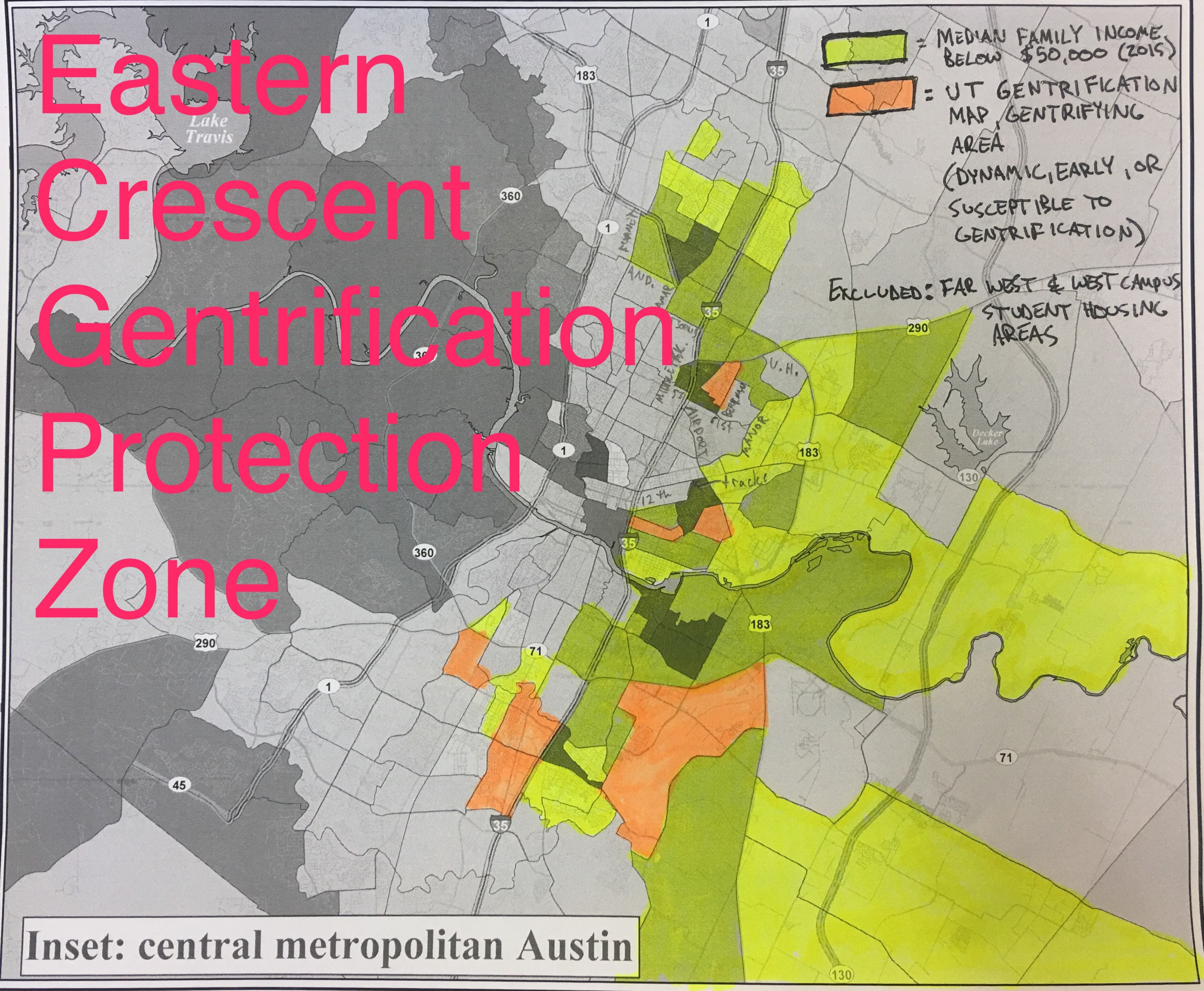








# Eastern Crescent Gentrification Protection Zone





[illegible]



## KENNY ADU BONUS AMENDMENT

**Staff should implement the following, with discretion to make changes consistent with intent:**

**1. Citywide Affordable ADU Bonus:**

If you build an affordable ADU in zones R1-R4:

- a. ADU size is restricted by the established ADU bracketing for that zone;
- b. ADU does not count against unit count or overall FAR calculation;
- c. No configuration limits on ADU – attached or detached; and
- d. Total FAR is capped at 0.8 and total unit count is capped at 4.

**2. Corridor ADU Bonus:**

If you build an affordable ADU and any part of the lot is within ¼ mile of an Imagine Austin corridor in zones R1-R4:

- a. ADU size is restricted by the established ADU bracketing for that zone;
- b. ADU does not count against the unit count or overall FAR calculation;
- c. No configuration limits on ADU – attached or detached;
- d. Total FAR is capped at 0.8 and total unit count is capped at 4;
- e. Incentive: A market-rate ADU may also be added that does not count against the unit count or overall FAR calculation, but may be no larger than the affordable ADU;
- f. Incentive: The primary dwelling units receive an FAR bonus equal to the square footage of the affordable ADU;
- g. Incentive: Front setbacks are reduced to 15 ft and height limits are increased to 25 feet at the side and 38 feet overall, but the entire site may not exceed 3 stories.

**3. NHCD review:**

One year after the implementation of these bonuses, NHCD shall review the program and may make recommendations to Planning Commission to make changes, including to city code, to better implement the intent of the program or to deal with any unintended consequences.

**4. General ADU and R-scale backyard compatibility restrictions:**

In regulations specific to use for ADUs:

- a. The cap on the second story of an ADU being limited to 550 sq ft. is removed.
- b. (I think we passed this last night): Any building on a residential zone lot – whether a single-family or multi-family zone - may not exceed two stories - for up to the rear 30 feet of the lot (as measured from the lot line of the triggering residential property) when that part of the lot is within 30 feet of the rear of a residential-zoned lot.

Original Exhibit from Commissioners. No alterations made.  
See the Planning Commission Recommendation Report for final action.



## KENNY AFFORDABLE HOUSING CHAPTER MOTION

### Recommend Approval w/ Changes to Address Commission Concerns

Move to recommend approval of Chapter 23–3E (Affordable Housing Bonus Program), but with direction for staff to develop revisions that will address the following concerns:

1. Establish as additional items of intent for the program to
  - a. meet the annual affordable housing goals set forth by city council;
  - b. generally permit sites to utilize affordable bonus entitlements; and
  - c. maximize affordable units in high-opportunity areas, whether built on-site or financed via fee-in-lieu.
2. Require any project participating in the program to adopt a restrictive covenant forbidding discrimination solely due to prospective tenants using housing vouchers in any unit in the project, not just the affordable units.
3. Require NHCD to recommend affordable housing goals to city council and for city council to annually adopt program goals.
4. Require NHCD to issue an annual report to city council measuring progress towards the prior year's goals and recommend changes to any provisions in administrative rules AND city code to better achieve the goals in the following year.
5. Require the Planning and Zoning Department Director to perform a calibration study if the program fails to meet annual goals by 10% for two years in a row, and to recommend changes to any provisions in administrative rules AND city code to better achieve the goals in the following year.
6. Reinstate expedited planning review at all stages for projects that participate in the program.
7. Re-calibrate bonus entitlements other than height in the zoning chapter to appropriately maximize the attractiveness of the increases in zone bonus heights made by Planning Commission.
8. Requirements for equivalent unit size and bedroom count do not apply to ADU bonuses.
9. Review the attached exhibit and consult stakeholders including the Austin Housing Coalition in implementing the intent of this motion.



## PROPOSED AMENDMENT RELATED TO MINIMUM DEVELOPMENT POTENTIAL

### CHAPTER 23-1, ARTICLE 23-1A, DIVISION 23-1A-6: Minimum Development Potential

#### 23-1A-6010 Limitations on Application of Title

- (A) **Minimum Development Allowed.** Notwithstanding anything in this Title, or in any City criteria manual, rule, regulation, determination, decision or interpretation authorized by this Title to the contrary, an applicant seeking to develop or re-develop property within the zoning jurisdiction of the City shall be entitled, without the necessity of any variance, adjustment, waiver, exception or alternate compliance decision, to develop or re-develop the property to at least the following minimum development standards:
- (1) 90% of the lesser of (a) impervious cover allowed by the zoning district (without the application of any density bonuses) for the property, or (b) impervious cover allowed by the applicable watershed regulations;
  - (2) 90% of the building coverage allowed by the zoning district (without the application of density bonuses) for the property after application of any impervious cover limits established by watershed regulations, if any; and
  - (3) 90% of the floor-to-area ratio allowed by the zoning district (without application of density bonuses).
- (B) **Additional Development Potential.** Subsection A above shall not be deemed to be a limit on the amount of development or re-development that may occur on a property in the zoning jurisdiction of the City if the proposed development or re-development otherwise meets the requirements of this Title or obtains any authorized variance, waiver, adjustment, exception or alternate compliance to allow such development or re-development.

#### 23-1A-6020 Prioritization of Regulations Affecting Minimum Development Potential

- (A) **City Manager Determination.** In the event the cumulative application of all requirements of this Title and any requirements in any City criteria manual, rule, regulation, determination, decision and interpretation authorized by this Title would result in development or re-development of property within the zoning jurisdiction that is less than the minimum amount entitled under Section 23-1A-6010, then the applicant for such development or re-development shall not be required to obtain a variance, waiver, adjustment, exception or alternate compliance. In that event, the City Manager shall determine and establish which requirements shall not apply so that the minimum development allowed by Section 23-1A-6010 can be achieved.
- (B) **Process for Making Determination.** The applicant for the development or re-development of any property in the zoning jurisdiction of the City shall, at the time it submits an application for development or re-development shall identify whether the requirements of this Title

Original Exhibit from Commissioners. No alterations made.  
See the Planning Commission Recommendation Report for final action.

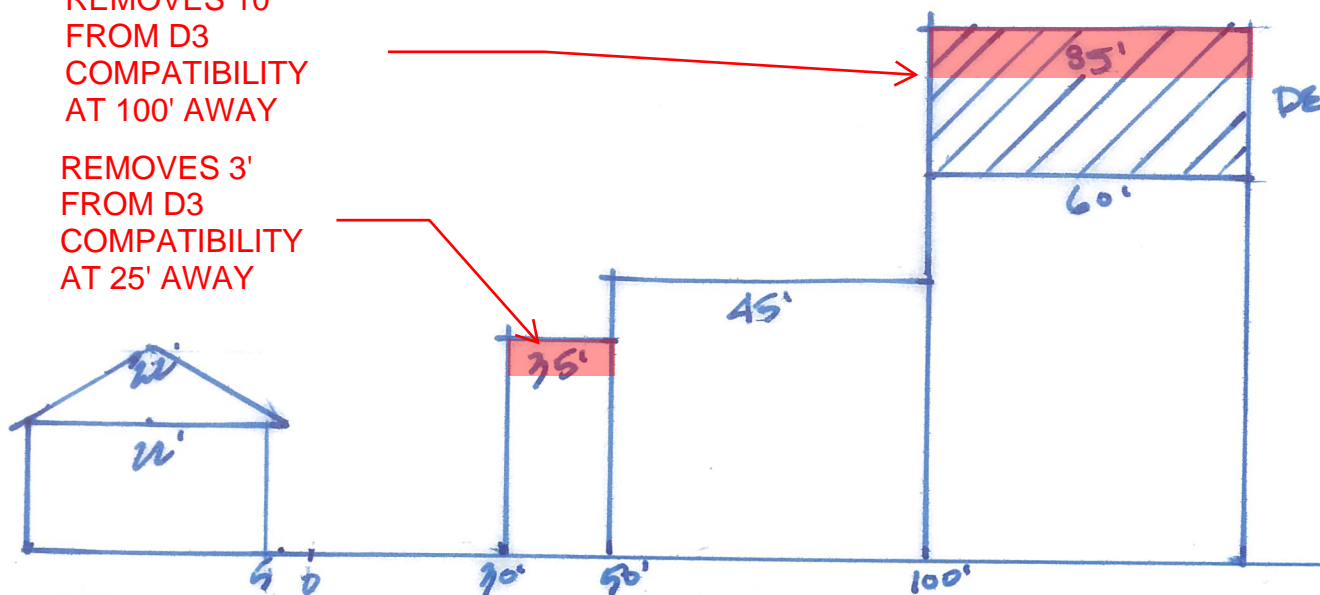


and any requirements in any City criteria manual, rule, regulation, determination, decision and interpretation authorized by this Title would result in development or re-development of property within the zoning jurisdiction that is less than the minimum amount entitled under Section 23-1A-6010, and, if so, shall propose which requirements will be met or how some requirements may be partially met based on a review of the circumstances of the property, its location in the City and a method of compliance that is appropriate in order to achieve the minimum development allowed by Section 23-1A-6010. The City Manager shall convene a meeting of reviewing departments to discuss the proposal before the due date of the initial comments to the application. The City Manager shall either accept the applicant's proposal or propose a different prioritization of requirements; provided that however, such alternate prioritization shall not reduce development below the minimum development allowed by Section 23-1A-6010 and shall not substantially increase the costs of the proposed development or re-development.



REMOVES 10'  
FROM D3  
COMPATIBILITY  
AT 100' AWAY

REMOVES 3'  
FROM D3  
COMPATIBILITY  
AT 25' AWAY



DENSITY BONUS  
+ 25' HT.

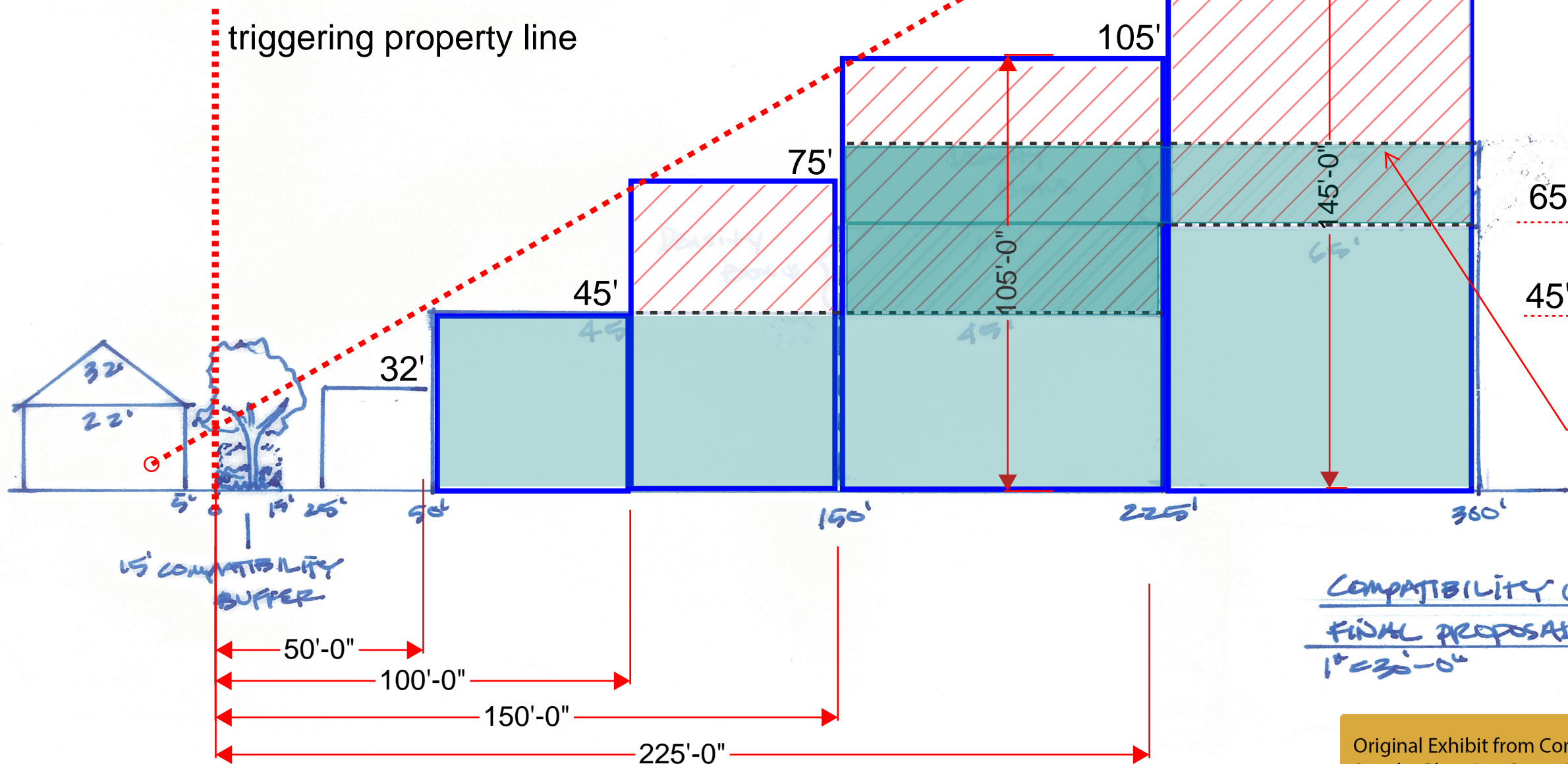
30 DEGREE ANGLE FROM 15 FT  
ABOVE TRIGGERING  
PROPERTY LINE

SIMILAR TO THOMPSON  
TRIGGER LINE FROM  
MCMANSION TENT -

SLIGHTLY MORE  
RESTRICTIVE THAN  
IMPACT OF SIGHT LINE  
OBSCURED BY RIGHTS  
OF ANOTHER  
MCMANSION

30 ANGLE FOLLOWS  
LINE OF SIGHT FROM 6'  
FOOT TALL AT 15'  
INSIDE TRIGGERING  
PROPERTY

SHIEH SUBSTITUTE  
MOTION



COMPATIBILITY WORKING GROUP  
FINAL PROPOSAL - HT. & SETBACKS  
1" = 20'-0" EMLA 4.23.18

Original Exhibit from Commissioners. No alterations made.  
See the Planning Commission Recommendation Report for  
final action.



## SHAW EXHIBIT 4 - OPEN SPACE

Zone	Personal (SF or % of Gross Site Area)	Common Open Space (% Gross Site Area)	Civic Open Space (% Net Site Area, $\geq 4$ acres sites )
RR	None	None	None
LA	23-4C-1070		
R1	None	5% <sup>1</sup>	10%
R2	None	5% <sup>1</sup>	10%
R3A&B	None	5% <sup>1</sup>	10%
R3C&D	100 sf <sup>2</sup>	None	None
R4	100 sf <sup>2</sup>	None	None
RM1A	5% <sup>3</sup>	5% <sup>4</sup>	10%
RM1B	None	5%	None
RM2A	5% <sup>3</sup>	5% <sup>4</sup>	10%
RM2B	None	5%	None
RM3A	5% <sup>3</sup>	5% <sup>4</sup>	10%
RM4	None	5%	None
RM5	5% <sup>3</sup>	5% <sup>4</sup>	10%
MU1A	100 sf <sup>2</sup>	None	None
MU1B	100 sf <sup>2</sup>	None	None
MU1C, MU1D	None	5%	None
MU2	5% <sup>3</sup>	5% <sup>4</sup>	10%
MU3	5% <sup>3</sup>	5% <sup>4</sup>	10%
MU4A	None	5% <sup>4</sup>	10%
MU4B	5% <sup>3</sup>	5% <sup>4</sup>	10%
MU5	5% <sup>3</sup>	5% <sup>4</sup>	10%
MS1	None	5%	None
MS2	None	5%	None
MS3	None	5%	None
CC	None	5% <sup>1</sup>	10%
DC	None	5% <sup>1</sup>	10%
UC	None	5% <sup>1</sup>	None
CR	None	5% <sup>4</sup>	10%
CW	None	5% <sup>4</sup>	10%
IF	None	5% <sup>4,5</sup>	10%
IG	5% <sup>3</sup>	5% <sup>4,5</sup>	10%
IH	None	None	None
R&D	None	5% <sup>4,6</sup>	None

Red- Code reference wrong.

Note 1 23-4C-1020 (Large Site Requirements) requires compliance with 23-4C-1030 when site more than one acre.

Note 2 Ground Level min. 10' width & 10' depth. Above Ground min. 5' width & 5' depth. Cottage Court must comply with 23-4E-6160

Note 3 Multi-family uses only in compliance with 23-4E-6240.

Note 4 For Non-residential sites > 2 acres and all multi-family with 10 or more units.

Note 5 List 5% for multi-family and non-residential, but then <sup>1</sup> states that only applies to commercial uses.







**EXHIBIT 5 - COMPATIBILITY SETBACKS AND STEPBACKS**
**Item 1**
**Shaw**
**3 of 30**

Zone	Height w/o DB	Height w/ DB <sup>(1)</sup>	Min. Setback -adjacent to or across an alley < 20 feet in width (≤75' width lot/>75' width lot) <sup>(2)</sup>					Stepback -adjacent to, across an alley from, or across a ROW < 60' wide			
			Trigger	Front	Side St.	Side	Rear	Trigger	≤ 25'	>25' - 50'	>50'- 100'
RM1A	35'	None	R	25'/25'	15'/15'	15'/20'	30'/30'	None			
RM1B	45'	None	R	10'/10'	5'/5'	15'/20'	30'/30'	None			
RM2A	40'	None	R	25'/25'	15'/15'	15'/20'	30'/30'	R	18'	35'	
RM2B	40'	55'	R	10'/10'	5'/5'	15'/20'	30'/30'	R	18'	35'	45'
RM3A	60'	None	R	15'/15'	15'/15'	10'/20'	30'/30'	R	18'	35'	45'
RM4A	60'	80'	R	5'/5'	5'/5'	15'/20'	30'/30'	R	18'	35'	45'
RM5A	90'	None	R	15'/15'	15'/15'	20'/20'	50'/50'	R	35'	35'	45'
MH	35'	None	R	15'/15'	15'/15'	50'/50'	50'/50'	None			
MU1A-D <sup>(3)</sup>	32' /45'	None	All Zones	25'/25'	15'/15'	15'/20'	30'/30'	None			
MU2A	45'	None	R	15'/15'	15'/15'	15'/20'	30'/30'	R	18'	35'	
MU2B	60'	None	R	15'/15'	15'/15'	15'/20'	30'/30'	R	18'	35'	45'
MU3A	60'	None	R	10'/10'	10'/10'	15'/20'	30'/30'	R	18'	35'	45'
MU3B	60'	None	R	10'/10'	10'/10'	15'/20'	30'/30'	R	18'	35'	45'
MU4A	60'	75'	R	10'/10'	10'/10'	15'/20'	30'/30'	R	18'	35'	45'
MU4B	60'	75'	R	15'/15'	15'/15'	10'/20'	30'/30'	R	18'	35'	45'
MU5A	80'	None	R	30'/30'	30'/30'	15'/20'	30'/30'	R	18'	35'	45'
MS1A&B	35'	None	R	10'/10'	10'/10'	15'/20'	30'/30'	R	18'	35'	
MS2A&B	45'	None	R	10'/10'	10'/10'	15'/20'	30'/30'	R	18'	35'	
MS2C	45'	None	R	10'/10'	10'/10'	15'/20'	30'/30'	R	18'	35'	
MS3A	60'	85'	R	5'/5'	5'/5'	15'/20'	30'/30'	R	18'	35'	45'
MS3B	60'	85'	R	5'/5'	5'/5'	15'/20'	30'/30'	R	18'	35'	45'
CC <sup>(4)</sup>	120'	FAR?	All Zones	5'	5'	0'	0'	R	18'	35'	45' <sup>(5)</sup>
UC <sup>(6)</sup>	190'+	FAR?	All Zones	5'	5'	0'	0'	R	18'	35'	45'
DC <sup>(7)</sup>	No Limit	None	All Zones	10' (max.)	10' (max.)	N/A	N/A	None			
CR	40'	None	R	50'/50'	50'/50'	20'/20'	30'/30'	R	35'	35'	
CW <sup>(8)</sup>	25'	None	R	25'/25'	25'/25'	15'/20'	30'/30'	None			
IF	60'	None	R	15'/15'	10'/10'	15'/50'	50'/50'	R	35'	35'	45'
IF	60'	None	RM	15'/15'	10'/10'	15'/25'	25'/25'	R			
IG	60'	None	R	25'/25'	25'/25'	15'/50'	50'/50'	R/RM	35'	35'	45'
IG	60'	None	RM	25'/25'	25'/25'	15'/25'	50'/50'	R/RM			
IG	60'	None	MU/MS	25'	25'	15'	50'	R/RM			
IH	120'	None	R	25'/25'	25'/25'	25'/50'	50'/50'	R	35'	35'	45'
IH	120'	None	RM	25'	25'	25'	30'				
IH	120'	None	MU/MS	0'	0'	15'	15'				
R&D <sup>(9)</sup>	45'-90'	None	R/RM	25'/25'	10'/10'	15'/25'	30'/30'	None			



R&D <sup>(9)</sup>	45' 00"	None	MU/MS	25'	10'	45'	15'	None			
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Item 1

Shaw



- Note 1 To receive a affordable housing bonus, a project must comply with Article 23-3E (Afordable Housing).
- Note 2 Where one value shown, setback does not vary based with lot width. For IG and R&D zones, R and RM setbacks shown are for lot widths less than and greater than 100'. For IH, R setback is for lot widths less than and greater than 200'.
- Note 3 No compatibility setbacks/stepbacks. Includes note, "Existing buildings located closer are considered nonconforming."
- Note 4 Section 23-4D-9070 has additional setback requirements for Downtown Overlay Zone. Includes subzones with 40', 60', 80' and 120' max. heights.
- Note 5 Lesser of 45' or subzone max. which is greater for subzones with C-60, C-80 and C-120.
- Note 6 Includes subzones allowing 80', 120', 180' and unlimited height. Density bonuses have not been determined.
- Note 7 Refers to additional setabck standards in 23-4D-7070. This is probably incorrect and should reference 23-4D-9070.
- Note 8 35' height allowed with Land Use Commission approval of CUP.
- Note 9 Height of a building may exceed 45' by 1' for each additional 2' that the building is set back beyond 100' from the front and side lot lines and beyond 50' from the rear lot line, up to a maximum height of 90'.
- Note 10 MU2A& B, MU4B has additional compatibility requirements when within 50' of R Zone cannot have outdoor seating or amplified sound.



## SHAW EXHIBIT 3 - PERMITS FOR BARS AND RESTAURANTS

Zones	MU1A	MU1B	MU1C	MU1D	MU2A	MU2B	MU3A	MU3B	MU4A	MU4B	MU5A	MS1A	MS1B	MS2A	MS2B	MS2C	MS3A	MS3B
<b>Restaurants</b>																		
With Alcohol	-	CUP	-	CUP	-	P	P	P	P	P	P	-	MUP	-	MUP	MUP	P	P
Drive Through	-	CUP	-	CUP	CUP	CUP	-	CUP	CUP	MUP	P	-	-	-	CUP	CUP	MUP	MUP
Late Night	-	CUP	-	CUP	-	-	CUP	CUP	CUP	P	MUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
<b>Micro-Brewery/ Micro-Distillery</b>	-	MUP	-	MUP	-	P	P	P	P	P	P	-	MUP	-	P	P	P	P
<b>Bar/Night Club</b>																		
Level 1( no outside seating, no late hours)	-	CUP	-	CUP	-	CUP	CUP	P	MUP	P	P	-	MUP	-	MUP	MUP	P	P
Level 2	-	-	-	-	-	-	-	MUP	CUP	P	MUP	-	-	-	-	-	MUP	MUP

Related Standards: 23-4E-6150

23-4E-6290



## COMPATIBILITY STANDARDS

### § APPLICABILITY.

Properties that trigger compatibility standards shall include those zoned:

- (A) residential house-scale form; or
- (B) planned unit development (PUD).

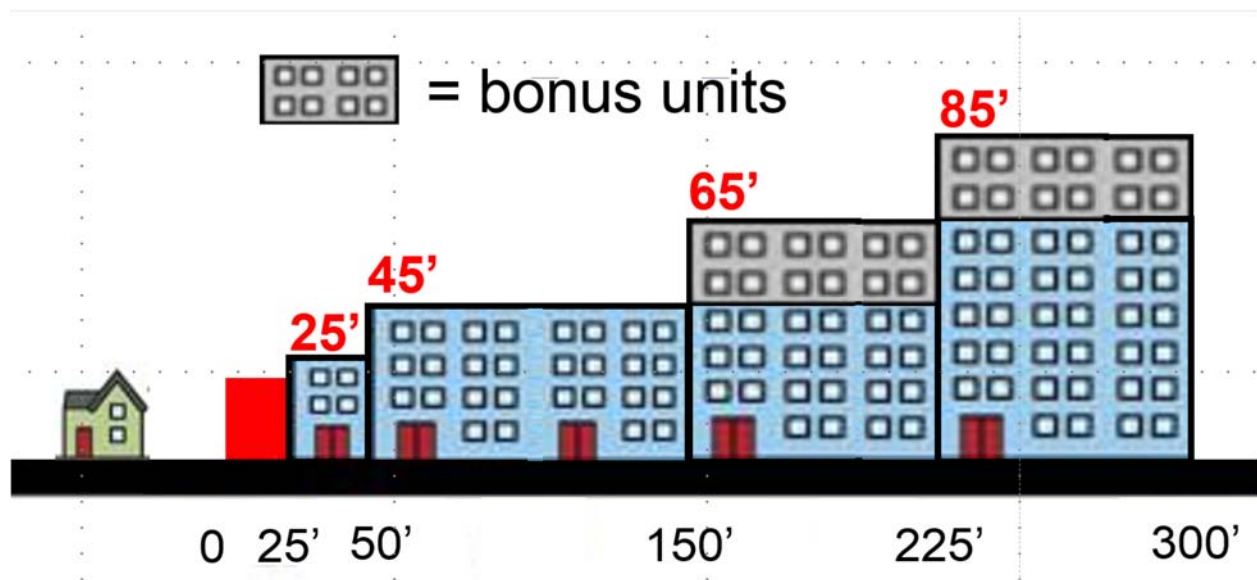
### § EXCEPTIONS.

This article does not apply to structural alterations that do not increase the square footage or height of a building, or changes of use that do not require additional off-street parking.

### § DIMENSIONAL STANDARDS.

All required distances shall exclude the widths of intervening alley or street rights-of-way.

- (A) **Setback:** All structures shall be set back at least 25 feet from a triggering property.
- (B) **Height:** The maximum height of a structure from a triggering property shall be:
  - (1) 25 feet, if between 25 and 50 feet;
  - (2) 45 feet, if between 50 and 150 feet;
  - (3) 45 feet with a possible density bonus increase of 20 feet, if between 150 and 225 feet;
  - (4) 65 feet with a possible density bonus increase of 20 feet, if between 225 and 300 feet.





**§ DESIGN REQUIREMENTS.**

(A) **Screening:** All areas used for parking, storage, waste receptacles or mechanical equipment shall be screened from a triggering property. Such screening may be a fence, berm or vegetation and shall be maintained by the property owner. Fences shall not exceed six feet in height.

(B) **Lighting:** Exterior lighting shall be hooded or shielded so that it is not visible from a triggering property.

(C) **Noise:** The noise level of mechanical equipment shall not exceed 70 db at the property line of a triggering property.

(D) **Waste:** Waste receptacles, including dumpsters, shall not be located within 20 (or 50) feet of a triggering property. The City shall review and approve the location of and access to each waste receptacle. Collection of such receptacles shall be prohibited between 10 pm and 7 am.

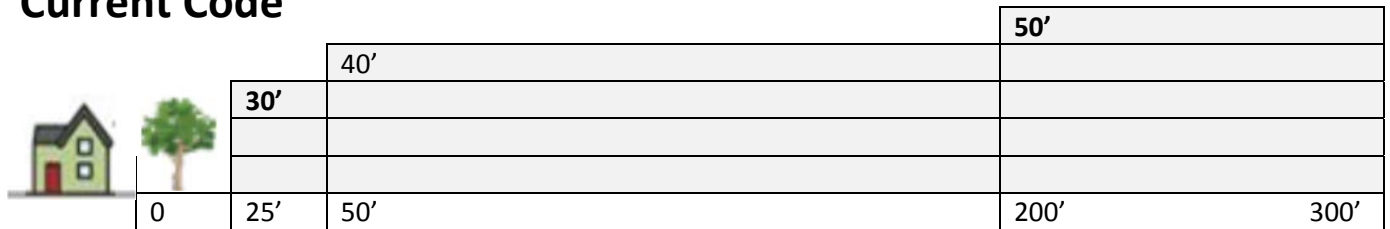
(E) **Parking:** From a parking structure facing and located within 100 feet of a triggering property:

- (1) Vehicle headlights shall not be directly visible;
- (2) Parked vehicles shall be screened from the view of any public right of way; and
- (3) All interior lighting shall be screened from the view of a triggering property.

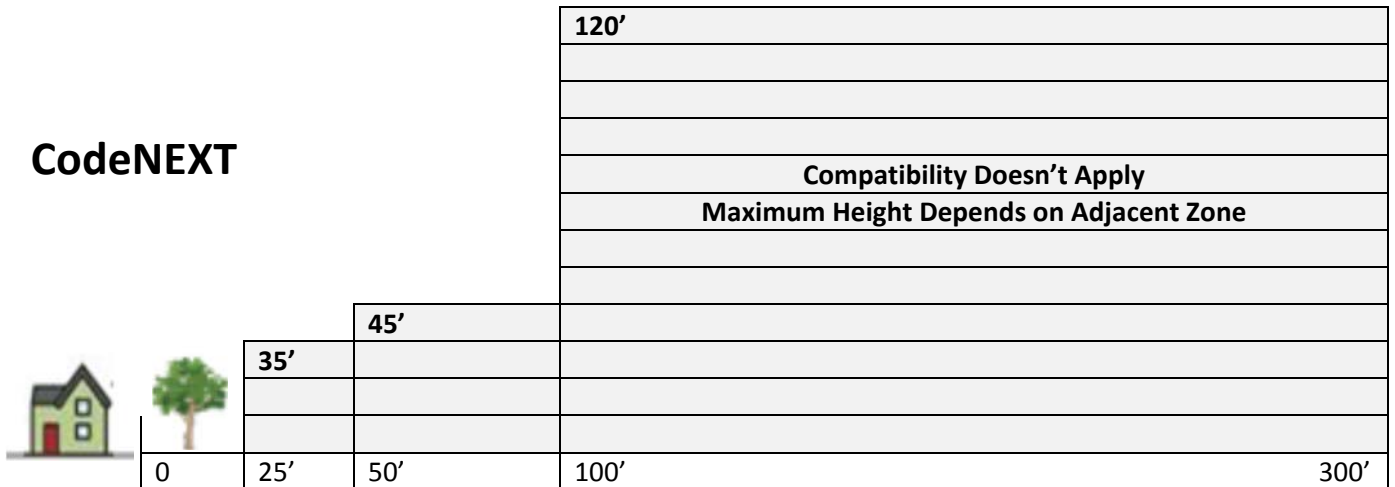
(F) **Intensive Uses:** Intensive recreational uses, such as swimming pools, tennis courts, ball courts and playgrounds, shall not be located within 50 feet of a triggering property.



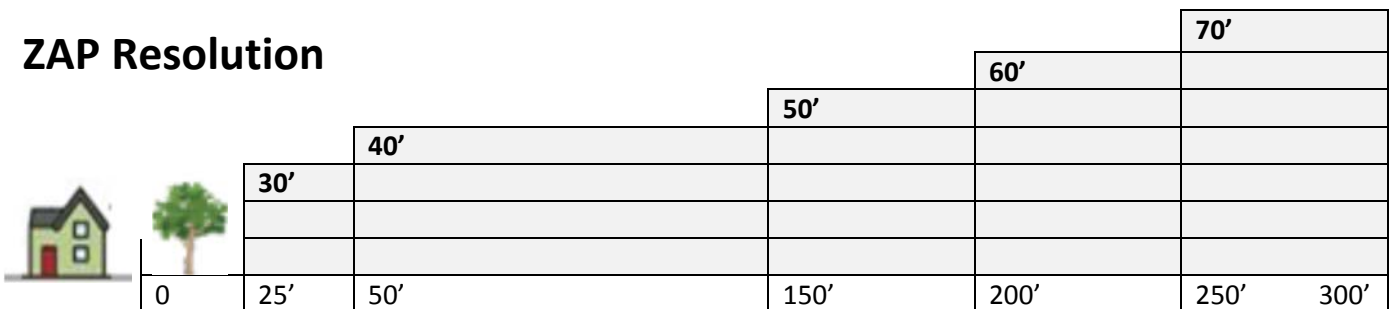
## Current Code



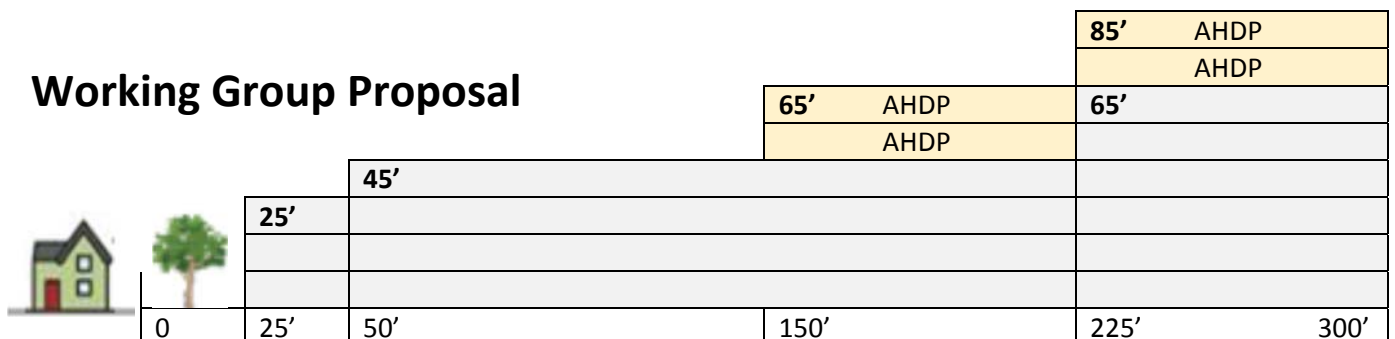
## CodeNEXT



## ZAP Resolution



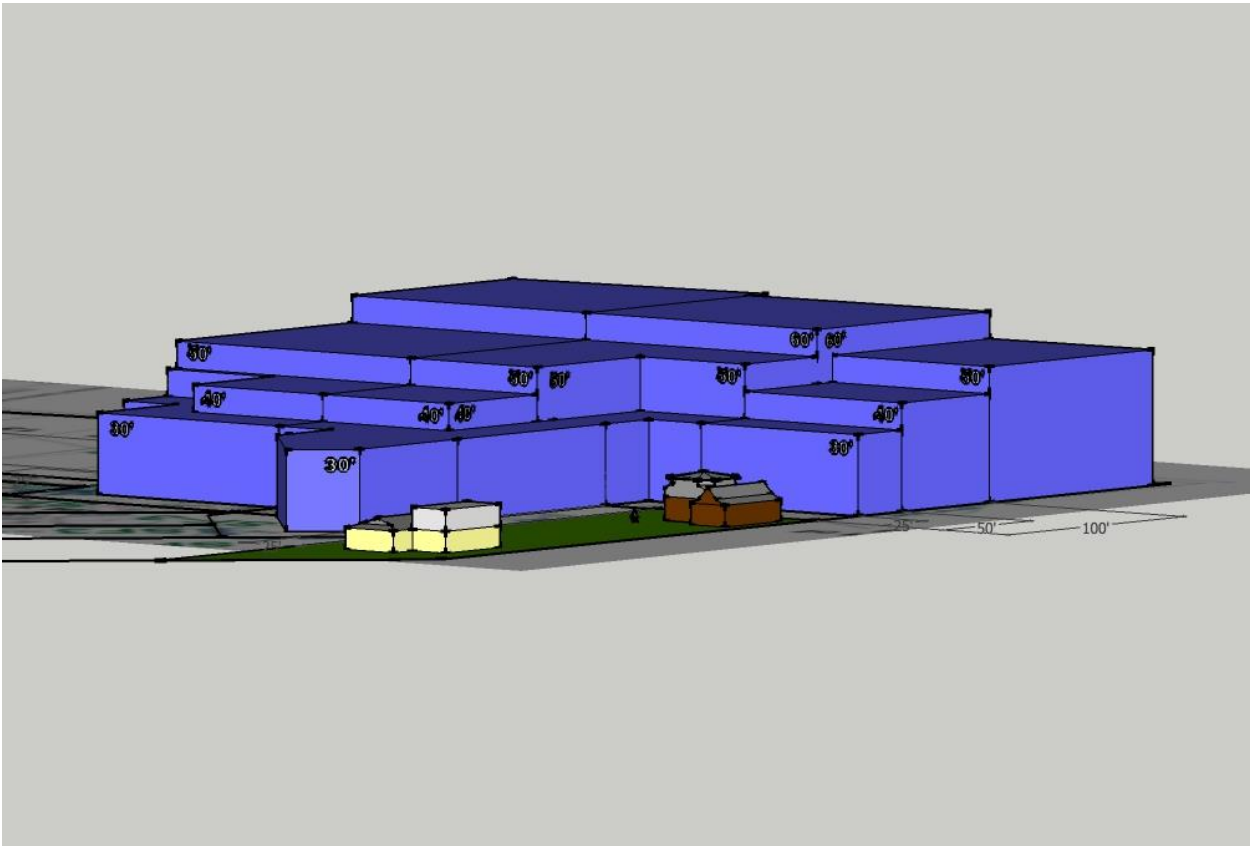
## Working Group Proposal



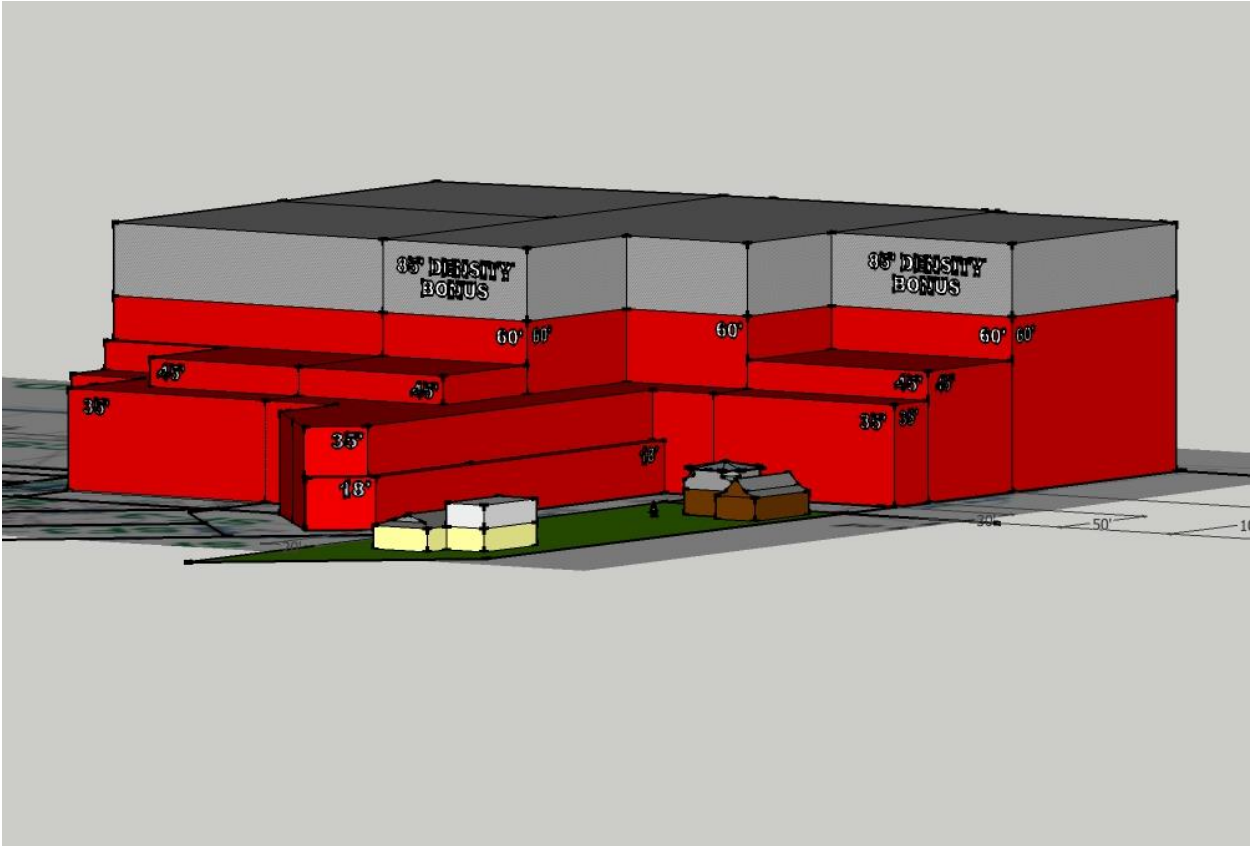
## Compatibility Alternatives



Compatibility Comparisons



Current

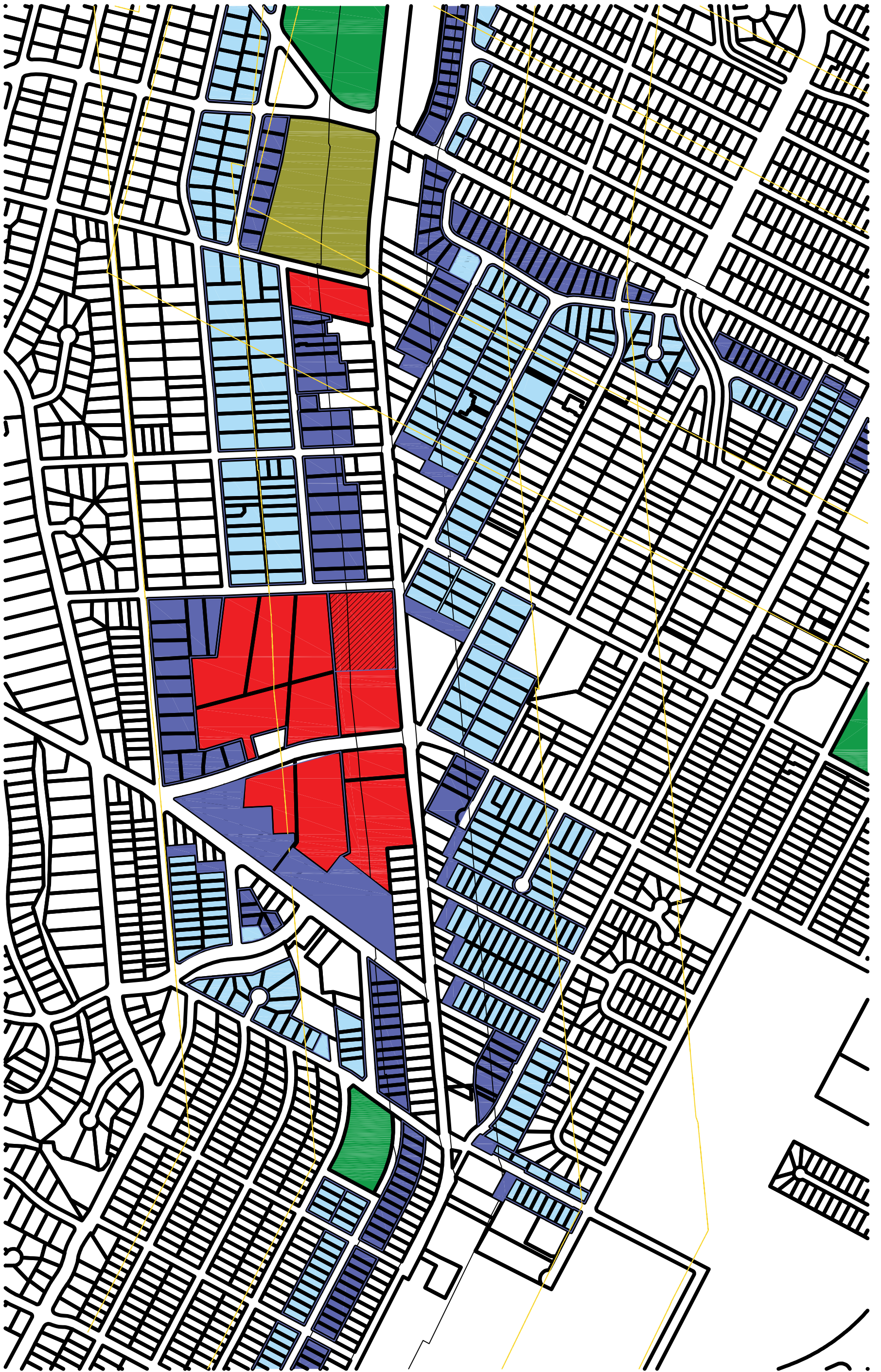


Draft 3



ZAP











# Lot Depth Analysis of MU and MS Zones Excluding Floodplain

IA Corridor

Lakes

Lot Depth

- <100
- 100 - 149
- 150 - 199
- 200 - 249
- 250 - 299
- >300



Date: 3/27/2018

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Development Services or Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

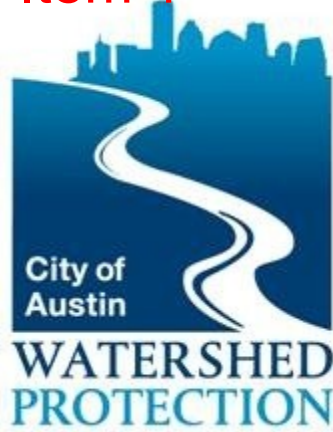












Drainage Modeling Summary:  
Evaluating the Impact of the Proposed  
CodeNEXT Regulations on Flood Risk Reduction and  
Maximum Single-Family Residential Buildout on Flood Risk

April 25, 2018

The Watershed Protection Department's (WPD) mission is to protect lives, property, and the environment by reducing the impact of flood, erosion, and water pollution. We carry out this mission by constructing drainage projects, enforcing development regulations, and providing programs such as the inspection and maintenance of drainage infrastructure. These efforts help to mitigate existing drainage and flooding problems and prevent future problems. In response to the public's desire, recommendations from the Flood Mitigation Task Force, and the impetus of our mission to reduce the impacts of flooding, WPD has proposed new regulations in CodeNEXT that we believe will help reduce flood risks citywide. This summary discusses the results of engineering studies to determine the potential flood risk reduction benefits of the proposed regulations.

The current Land Development Code (LDC) includes regulations that require the control of post-development stormwater runoff from all development such that new development will not result in additional adverse flooding to other properties. To satisfy these regulations, development typically includes one of these three options: on-site stormwater controls, usually with a detention pond; off-site improvement or addition of stormwater infrastructure; or a payment-in-lieu of detention program. When determining the amount of pre-development stormwater runoff, the regulations allow the developer to include the amount of impervious cover that exists on the site at the time of application.

As part of the current CodeNEXT draft regulations, re-development of commercial, multi-family, and residential subdivision projects would be required to construct on-site stormwater controls to limit post-development stormwater peak flow rates from new and redeveloped impervious cover to that with zero impervious cover. Off-site stormwater infrastructure improvements or a payment-in-lieu of detention will still be an option as long as the developer can prove through a drainage analysis that the development will not create additional flooding downstream. These off-site options are dependent on this site-specific drainage analysis and must be approved by the City.

The intent of these proposed regulations is to require properties that were developed prior to the current drainage regulations to do their proportionate share to reduce the risk of flooding to other properties. For decades, the LDC has required that new development reduce the risk of flooding in proportion to each site's flood impacts. In large part due to development prior to regulations put in place by the City in the late 1970s and 1980s, there are more flood risks citywide than the Watershed Protection Department has resources to mitigate. The goal of the proposed CodeNEXT regulations is for both new development and re-development to assist in reducing flood risks.



WPD initiated an engineering study to better understand the effectiveness of the proposed CodeNEXT regulations in reducing flood risks along a typical major creek and within an urban drainage system. We refer to these as creek flooding and local flooding.

Because the proposed CodeNEXT regulations are not proposed to apply to individual single-family building permits, WPD also investigated the potential impact of residential buildout up to the maximum allowed impervious cover. Currently, compliance with most drainage requirements is not reviewed for individual one- and two-unit building permits, as the drainage requirements are not designed for this type and scale of development.

CodeNEXT proposes to better tailor applicable regulations and permit review procedures to a project's overall scale and intensity. To that end, CodeNEXT will not require compliance with the proposed requirement to limit peak flows to predevelopment conditions for individual homes and small multi-family structures, but it does propose to add a new requirement that most residential building permit applications include an engineer's certification that new construction will not change existing drainage patterns in a manner that negatively impacts adjacent property. The purpose of this requirement is to avoid lot-to-lot drainage impacts.

More details about both studies are provided in the remainder of this summary.

#### *Local Flood Modeling*

To assess the impact of the proposed CodeNEXT regulations on stormwater levels along an urban drainage system, WPD performed modeling of storm drain systems in four selected areas of the City utilizing an engineering model called StormCAD. The advantages of the StormCAD model are that it's relatively simple to build and effectively determines how efficiently stormwater flows through the pipes of the drainage system. However, it is not the best model to predict the depth of stormwater that flows along the ground when the pipes have reached their capacity. We use StormCAD as a starting point prior to proceeding with a more advanced model if indicated by the StormCAD model.

In order to represent development of properties according to the proposed CodeNEXT regulations, impervious cover for all multi-family and commercial parcels was set to zero in the model's runoff coefficient calculations to simulate pre-development peak flow conditions. The StormCAD modeling results clearly indicated an improvement in the capacity of the storm drain system and justified using a more advanced engineering model for more detailed results.

Staff selected an area near South Lamar at Del Curto Road in the West Bouldin Creek watershed as the study area for the advanced modeling effort because it has a combination of residential and commercial properties that are generally representative of Austin's central core. See Figure 1 at the end of the report for a map of the study area. The advanced model, also called a 2D model, is able to account for stormwater flowing through the storm drain pipes as well as stormwater flowing above ground to simulate water levels at the potentially impacted buildings.



Four scenarios were analyzed to assess the impact of the proposed CodeNEXT regulation on localized flooding. Scenario 1 simulates existing conditions in impervious cover, scenario 2 simulates the full buildout of multifamily/commercial properties under the current proposed CodeNEXT regulations, scenario 3 simulates the full buildout of multifamily/commercial properties under the current proposed CodeNEXT regulations with the maximum buildout of residential impervious cover, and scenario 4 simulates the maximum buildout of single-family residential impervious cover. In order to represent development of properties according to the proposed CodeNEXT regulations, engineering data such as curve numbers and times of concentration were adjusted as well.

The results of the 2D modeling effort show a reduction in flood risk due to the proposed CodeNEXT requirements. Table 1 below indicates the maximum and average reductions in the levels of the stormwater. The analysis shows peak flooding depths were reduced by up to 4.8 inches, and peak flows were reduced by up to 23% in the 2-year storm event. A total of seven buildings see a reduction in flood depths greater than one inch in the 2-year storm, with 32 buildings experiencing a reduction in depths greater than one inch in the 100-year storm. See Figure 1 for a map of the potential benefits of re-development mitigation in the 100-year storm. This analysis suggests that the proposed CodeNEXT regulation regarding mitigation for re-development provides measurable and beneficial reductions in flood risk.

*Table 1: Benefits of proposed CodeNEXT mitigation to greenfield conditions for re-development compared to existing conditions*

Storm Event	Number of Buildings Removed from Flood Risk	Number of Buildings with a Reduction in Flood Depths > 1 inch	Maximum Reduction (inches)	Average Reduction (inches)
2-year	5	7	1.9	1.2
10-year	5	12	3.0	1.7
25-year	4	20	4.8	1.3
100-year	3	32	2.6	1.2

The 2D modeling effort also examined the impact of the buildout of single-family residential areas to maximum allowed impervious cover on localized flood risk. The future development of residential properties increased peak flows at Del Curto, Kinney, and Thornton by between 1.2% and 3.2% in the 2-year storm event, and between 0.3% and 0.7% in the 100-year storm event. Peak flooding depths were increased by up to 1.4 inches in the 2-year storm, with the increase for 10- through 100-year events ranging from 0.12 to 0.24 inches. For the Del Curto study area, one building would see an increase in flood depths over one inch in a 2-year storm event. No buildings were impacted during the 10-year, 25-year and 100-year storm event. See Figures 2 and 3 for maps of the 25-year and 100-year events, respectively.

Overall, these results indicate that the redevelopment of residential properties to the maximum allowed impervious cover has a minimal impact on flood risk within the studied area. In this particular study area, the estimated flood depth reductions due to the proposed CodeNEXT regulation of post-development peak flows exceeds the flood depth increases from residential buildout.



*Creek Flood Modeling*

WPD staff selected the four areas shown in Figure 2 to analyze the impact of the proposed CodeNEXT regulations on creek flood levels: West Bouldin Creek watershed (South Lamar Boulevard), Country Club West Creek watershed (Riverside Drive, east of IH35 area), Hancock Branch of Shoal Creek (Brentwood Neighborhood), and Upper Tannehill Branch watershed (IH35 at Airport Boulevard). WPD selected these areas because they are generally fully developed, include portions of major re-development corridors identified in the Imagine Austin Comprehensive Plan, and have enough land use variety to cover the breadth of the impacts we would expect to see from the proposed CodeNEXT regulations.

Detention was selected as the most easily modeled form of mitigation to represent the proposed CodeNEXT regulations. However, in practice, the proposed mitigation approach would require that each re-development project be evaluated to determine the most effective strategy to address downstream flooding. In some cases, this would be on-site flood detention; in others, it might be the improvement of downstream conveyance either directly or through a payment-in-lieu of detention program. In all cases, the development would not be allowed to result in additional adverse flooding to other properties.

WPD staff developed a methodology for this analysis that represents the impact of detention distributed throughout the properties with the potential for re-development without modeling each individual detention pond directly. This method adjusts the Peak Rate Factor (PRF), which is a component of the NRCS Unit Hydrograph transform within the engineering model. Reduction of the PRF flattens the runoff hydrograph and reduces the peak flow produced by each subbasin. This effectively mimics the storage within the subbasin that would be provided by detention.

The Creek Flood modeling analysis shows that the proposed CodeNEXT regulations would have a measurable and beneficial impact on both flood levels and floodplain extents. The City's floodplain models, maps and regulations are based on the assumption of full development without detention in the watershed. The mitigation scenario was compared to this full development condition per the zoning recommendations in CodeNEXT. As expected, the magnitude of the benefit seen is dependent on the amount of land with the potential for re-development and on the location of this land within the watershed. For all watersheds studied, the average overall flow reduction was approximately 13% (ranging from 0 – 25%). The average depth reduction was up to 5 inches for a 25-year event and up to 4 inches for the 100-year storm event. Refer to figures 3 through 7 and table 1 for summaries of the average flow and depth reduction benefits for different areas within the evaluated watersheds.

The Creek Flood modeling analysis also examined the relative flooding impact of full impervious cover buildout of single-family residential areas under CodeNEXT. From a regulatory standpoint, the City's floodplain models and maps already account for full single-family residential buildout. This analysis helps answer the question about the degree of impact that residential buildout alone may have on flood risk.



As would be expected of an increase in impervious cover, the modeling shows a mathematical increase in flood depth between existing impervious cover conditions and the residential maximum allowed impervious cover conditions. However, this change is comparatively minimal; the flood depth differences averaged 0.5 inches over all storm events, with an average increase in peak flows of 1.8%. For the 100-year event, depth differences averaged 0.3 inches. The depths of flow in more frequent storm events (e.g. 2-year, 5-year, etc.), which tend to be more contained within existing channel banks, are more significantly affected which skews the average depth in all storm events.

### *Summary*

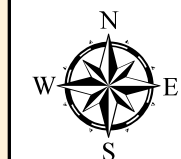
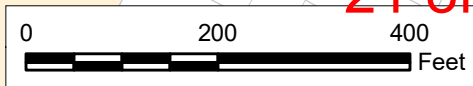
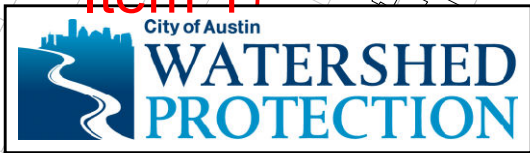
The proposed CodeNEXT regulations requiring that re-developing properties mitigate to pre-development conditions has the potential to help the City address long-standing flood risk issues, especially in the urban core. The analyses summarized here show that mitigation for re-development as proposed in CodeNEXT (for simplicity modeled in the form of detention) provides measurable and beneficial reductions in flood risk.

- The magnitude of flood risk reduction depends on the location within the watershed and the amount of land area that is likely to redevelop within the watershed.
- The observed reduction is greater in the upstream portions of the studied watersheds and tends to decrease as the contributing area increases along the larger streams.
- The observed variation in flood risk reduction illustrates the need for a variety of mitigation measures, such as on-site stormwater controls, off-site improvements, or payment-in-lieu of detention, that will allow the mitigation approach to be tailored depending on the location within the watershed and the condition of the downstream drainage system.
- The 2D modeling exercise found that development of all single-family areas to the maximum impervious cover limits allowed by the proposed CodeNEXT zoning does not have a significant impact on flood risk within the studied watersheds.

The proposed CodeNEXT regulations produce demonstrable flood risk reductions. However, they will not provide an immediate solution to the City's flooding problems. Over time as existing development redevelops, the requirements will reduce the risk for flooding to buildings in or near the floodplain and thus reduce the cost of post-flood recovery to those affected by flooding. The proposed requirements could also make implementation of City-funded flood risk reduction projects within the urban core more cost-effective by reducing the magnitude of flows that must be managed through drainage system improvements and helping directly construct or contribute financially to such improvements.

It is important to reiterate that detention is not the only potential mitigation measure that could be associated with these proposed regulations. In practice, each re-development project would need to be evaluated to determine the most effective strategy to address downstream flooding. In some cases, this would be on-site flood detention, in others, it would be the targeted improvement of downstream conveyance either directly or via payment-in-lieu of detention towards such a project.





Limits of 2D Zone

Storm Drain

**Flooding Complaints**

Building

Yard

Street

**Parcel Groups**

Group C (Commercial/Multifamily)

Group A, B

**S2 Decrease from S1 WSE (100-Year)**

2 - 3"

1 - 2"

0.5 - 1"

S2 Limits of Inundation (100-Year)

Buildings with S1 Inundation Reduced by ≥1" (100-Year)

Buildings Removed from S1 Flood Risk (100-Year)

Buildings at Risk of S2 Flooding (100-Year) (58 buildings)

The structure and utility locations shown in this drawing are for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Unless otherwise noted on the drawing, they do not represent an on-the-ground survey and represent only the approximate relative location.

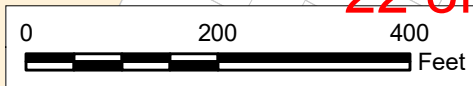
**CodeNEXT Scenario 2: Greenfield Conditions**  
100-Year Differential of S2 with S1

**FRESE AND NICHOLS, INC.**  
FRESE AND NICHOLS, INC.  
10431 MORADO CIRCLE  
SUITE 300  
AUSTIN, TEXAS 78759  
PHONE: 512-617-3100  
FAX: 512-617-3101

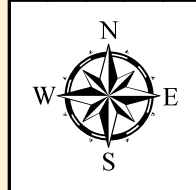
**FIGURE**  
**S2-9**

Figure 1. Del Curto Local Flood study area showing benefits of re-development mitigation (100-year event)





PROJECT NO.	AL1111
DATE CREATED	Date: 2/9/2018
DRAWN & COORDINATE SYSTEM	NAD83 State Plane (North Texas Central)
FILE NAME	Name: S4-8 Differential S4 with S1
PREPARED BY	JSJ

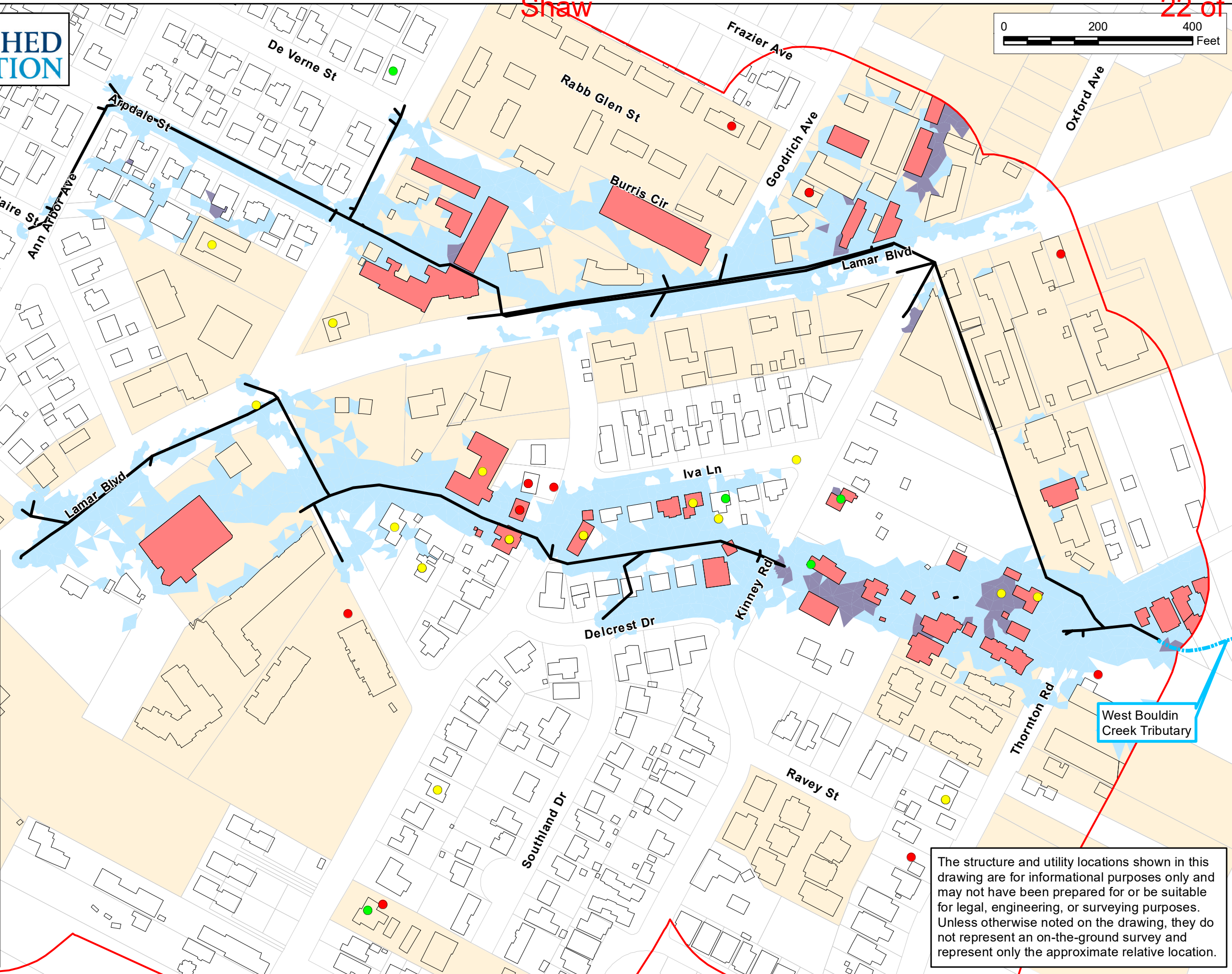


# **CodeNEXT Scenario 4: Future Conditions** 25-Year Differential of S4 with S1

**FREESE AND NICHOLS, INC.**  
10431 MORADO CIRCLE  
SUITE 300  
AUSTIN, TEXAS 78759  
PHONE: 512-617-3100  
FAX: 512-617-3101

## **FIGURE** **S4-8**

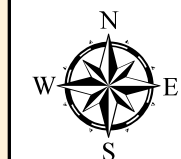
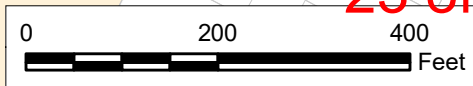
- Limits of 2D Zone
- Storm Drain Alignment
- Flooding Complaints**
  - Building
  - Yard
  - Street
- Parcel Groups**
  - Group C (Commercial/Multifamily)
  - Group A, B
- S4 Increase from S1 WSE (25-Year)**
  - 0.1 - 0.5"
  - 0.5 - 1.5"
  - S4 Limits of Inundation (25-Year)
- Buildings with S1 Inundation Increased by ≥1" (25-Year)
- Buildings Added to S1 Flood Risk (25-Year)
- Buildings at Risk of S4 Flooding (25-Year) (44 buildings)



The structure and utility locations shown in this drawing are for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Unless otherwise noted on the drawing, they do not represent an on-the-ground survey and represent only the approximate relative location.

Figure 2. Del Curto Local Flood study area showing the impact of the buildout of single-family residential areas to maximum allowed impervious cover (25-year event)





**CodeNEXT Scenario 4: Future Conditions**  
100-Year Differential of S4 with S1

**FRESE AND NICHOLS, INC.**  
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10431 MORADO CIRCLE  
SUITE 300  
AUSTIN, TEXAS 78759  
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**FIGURE**  
**S4-9**

- Limits of 2D Zone
- Storm Drain
- Flooding Complaints**
  - Building
  - Yard
  - Street
- Parcel Groups**
  - Group C (Commercial/Multifamily)
  - Group A, B
- S4 Increase from S1 WSE (100-Year)**
  - 0.1 - 0.5"
  - 0.5 - 1.5"
  - S4 Limits of Inundation (100-Year)
  - Buildings with S1 Inundation Increased by ≥1" (100-Year)
  - Buildings Added to S1 Flood Risk (100-Year)
  - Buildings at Risk of S4 Flooding (100-Year) (62 buildings)

The structure and utility locations shown in this drawing are for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Unless otherwise noted on the drawing, they do not represent an on-the-ground survey and represent only the approximate relative location.

Figure 3. Del Curto Local Flood study area showing the impact of the buildout of single-family residential areas to maximum allowed impervious cover (100-year event)



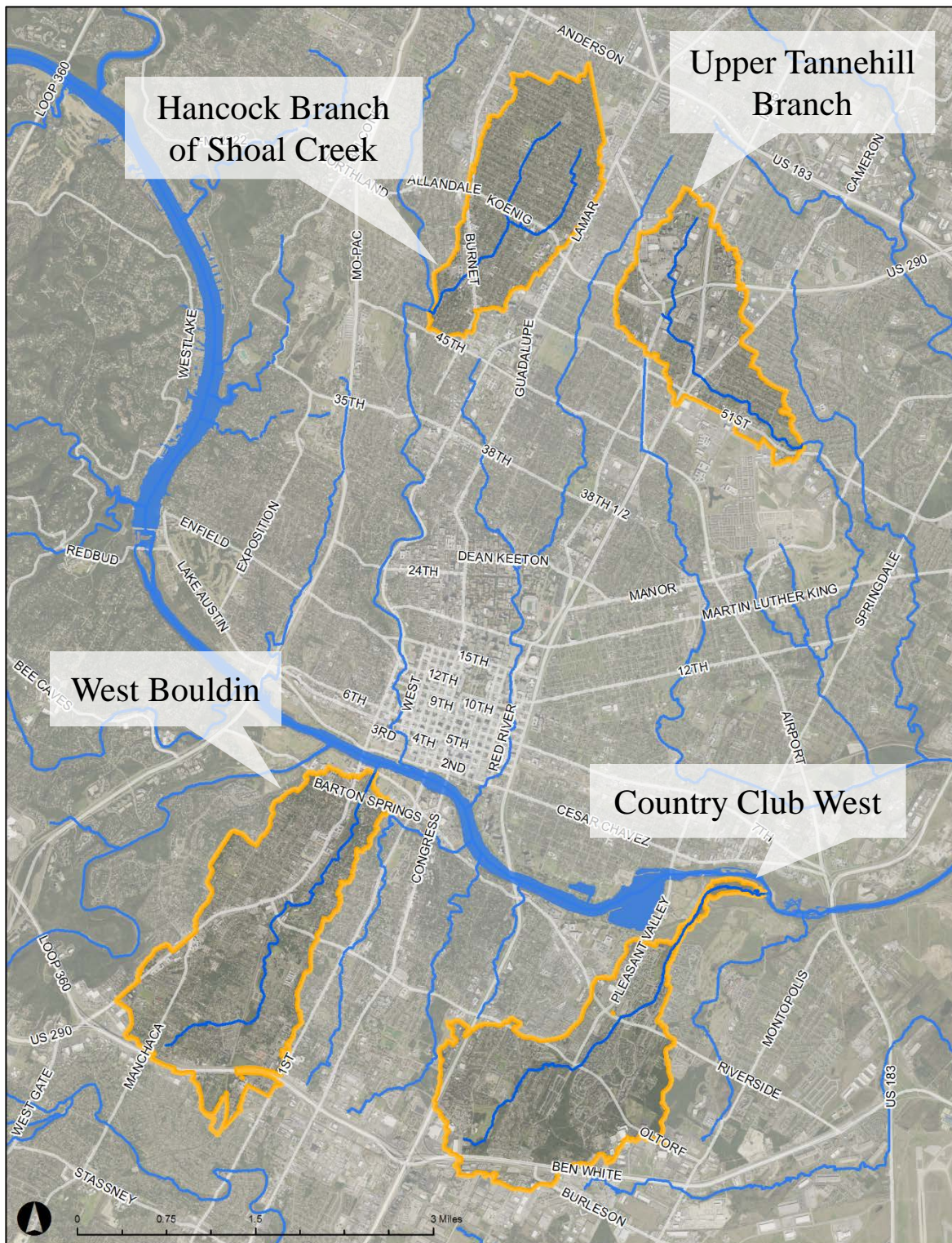


Figure 4. Four areas of Creek Flood analysis: West Bouldin, Country Club West, Hancock Branch of Shoal Creek, and Upper Tannehill watersheds.



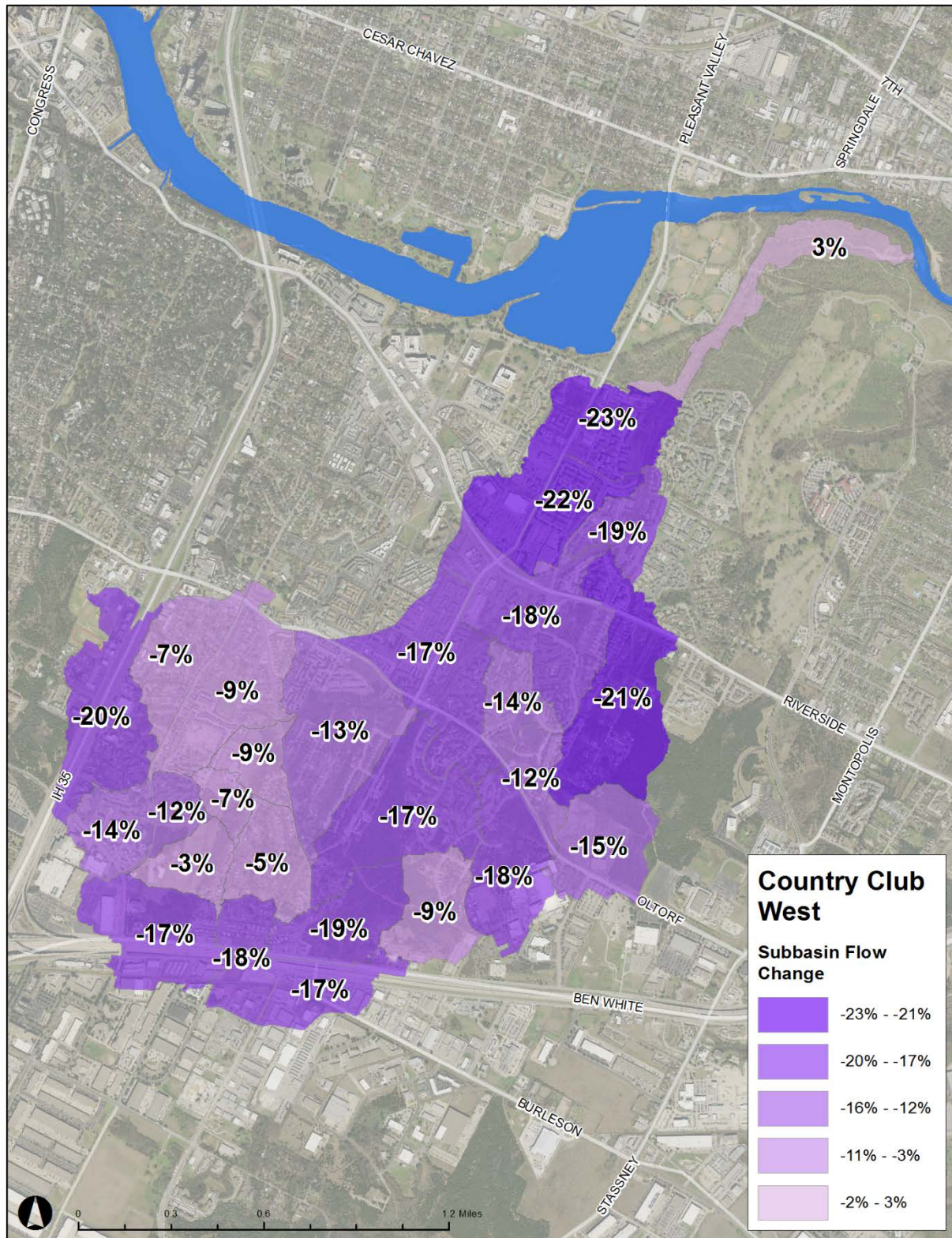


Figure 5. Percent change in subbasin flows between Mitigation Alternative (Ponds) and CodeNEXT proposed maximum allowable impervious for Country Club West. Negative numbers indicate a reduction in flow for the subbasin in the Mitigation Alternative analysis.



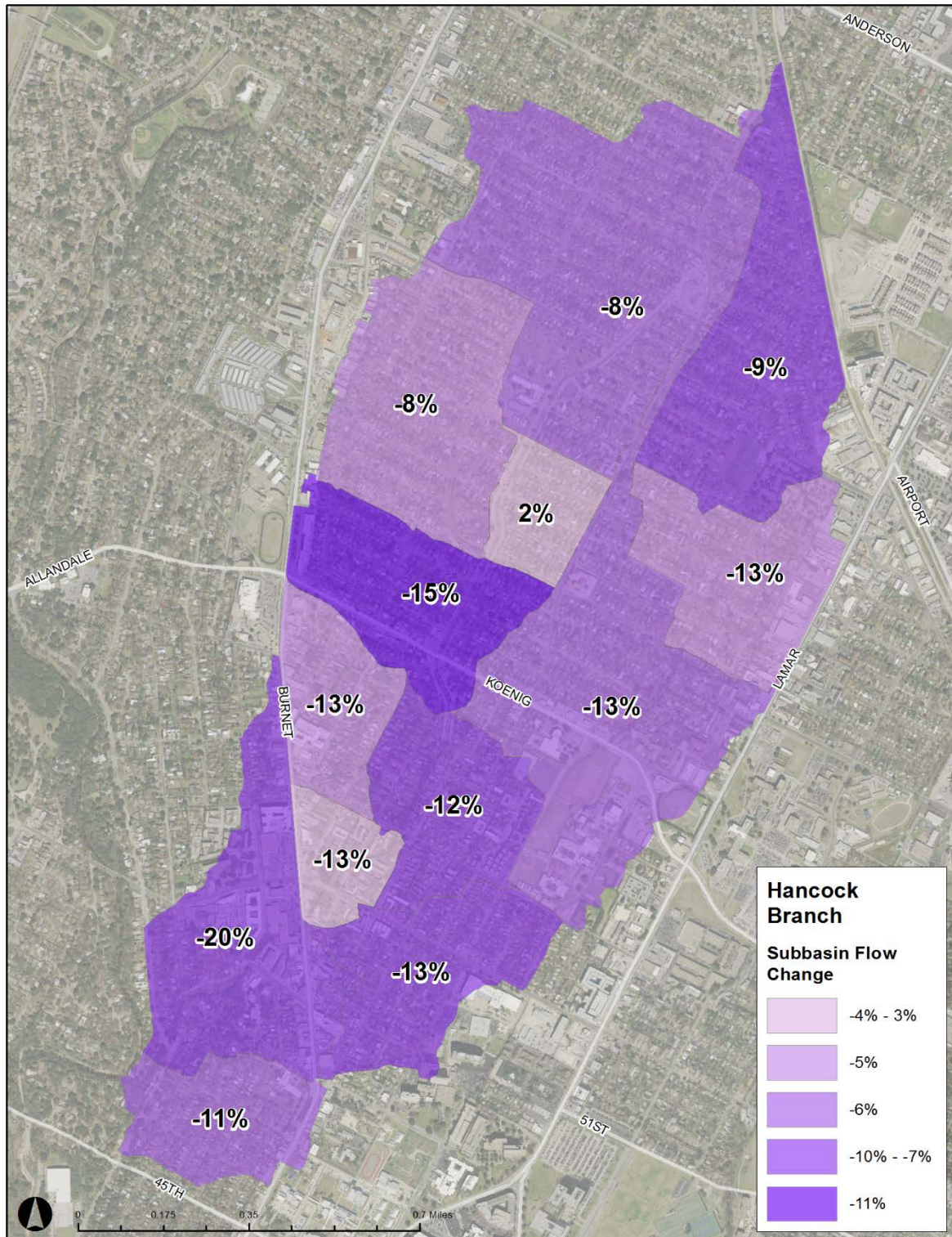


Figure 6. Percent change in subbasin flows between Mitigation Alternative (Ponds) and CodeNEXT proposed maximum allowable impervious for Hancock Branch of Shoal Creek. Negative numbers indicate a reduction in flow for the subbasin in the Mitigation Alternative analysis.



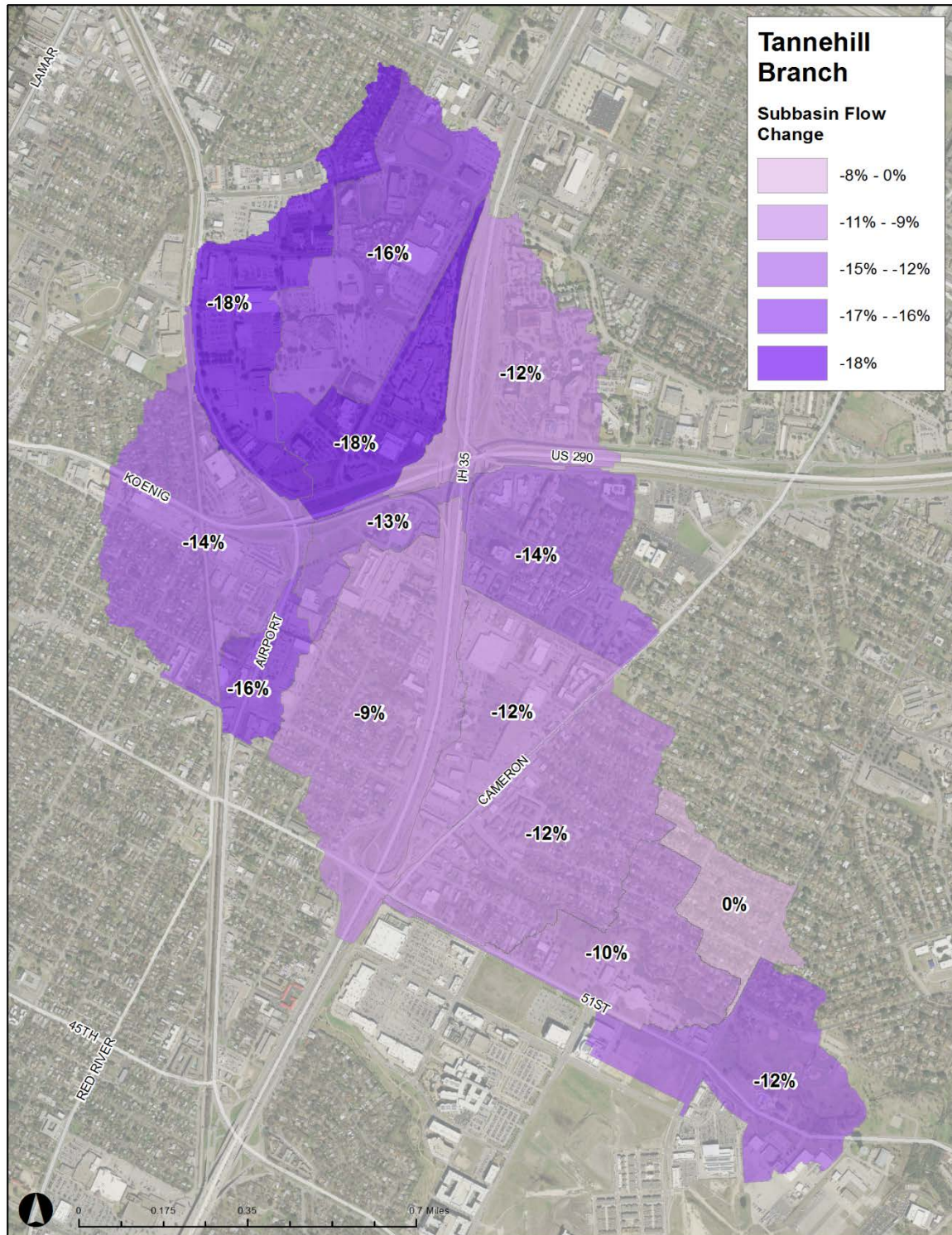


Figure 7. Percent change in subbasin flows between Mitigation Alternative (Ponds) and CodeNEXT proposed maximum allowable impervious for Tannehill. Negative numbers indicate a reduction in flow for the subbasin in the Mitigation Alternative analysis.



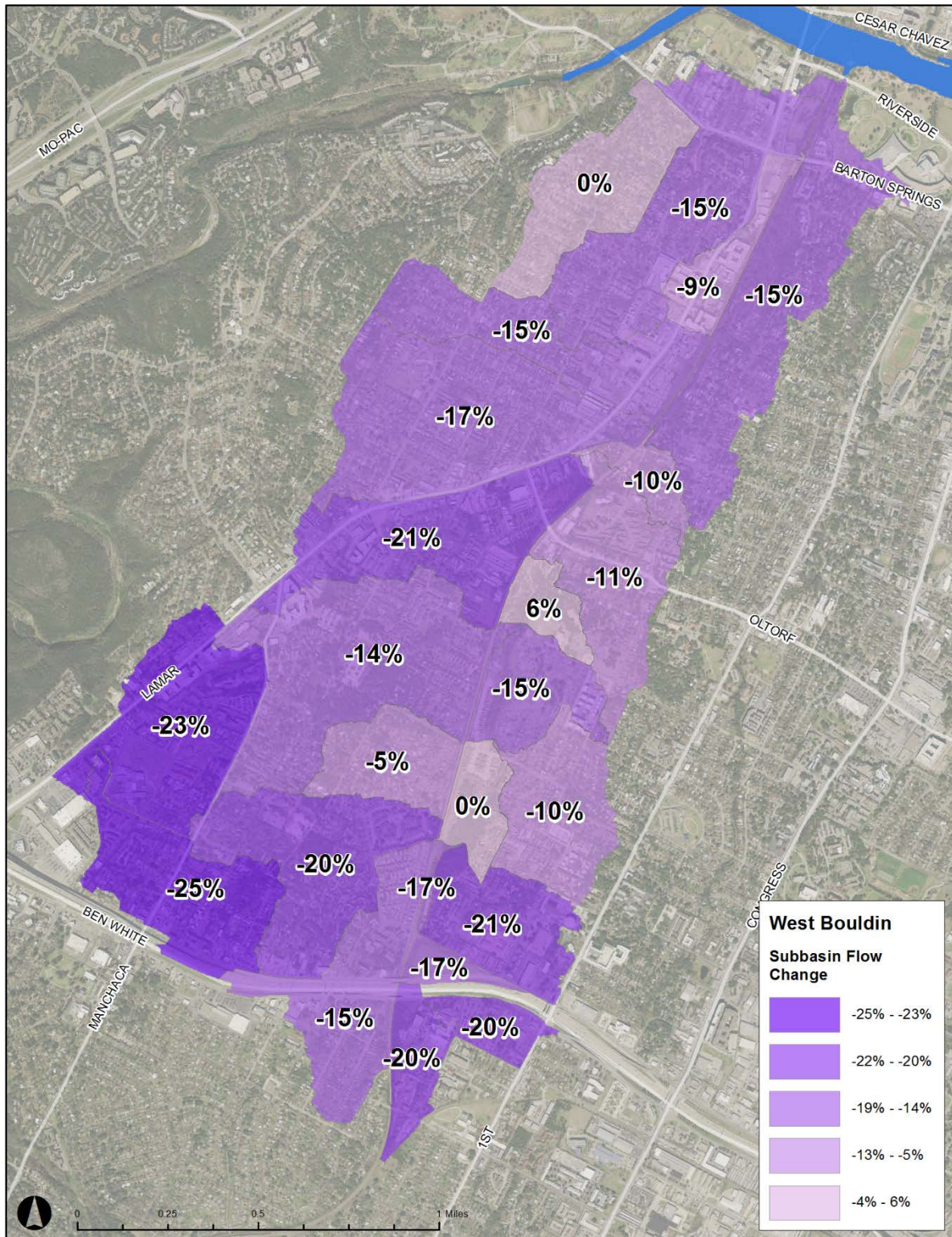


Figure 8. Percent change in subbasin flows between Mitigation Alternative (Ponds) and CodeNEXT proposed maximum allowable impervious for West Bouldin. Negative numbers indicate a reduction in flow for the subbasin in the Mitigation Alternative analysis.



Table 2: Summary of average flood depth reductions between CodeNEXT maximum allowable impervious cover (full development) and mitigation with ponds

Watershed and Stream Reach	Average Depth Reductions for Selected Design Storms (Inches)					
	2-yr	5-yr	10-yr	25-yr	50-yr	100-yr
<b>West Bouldin</b>						
South of North Fork	-2.8	-2.4	-2.5	-2.9	-2.9	-3.1
North of North Fork	-2.9	-4.4	-3.4	-4.9	-4.1	-4.0
North Fork Trib	-2.9	-4.2	-4.0	-4.1	-3.6	-4.0
<b>Shoal Creek</b>						
Hancock Branch	-1.9	-2.0	-2.0	-1.7	-1.6	-1.4
Grover Branch	-1.0	-0.8	-0.8	-0.8	-1.0	-1.1
<b>Country Club West</b>						
Mainstem	-1.6	-2.0	-2.3	-2.5	-3.0	-2.6
CCW1	-1.7	-2.2	-2.3	-2.7	-2.8	-2.9
CCW2	-2.1	-2.6	-3.3	-3.5	-3.3	-3.4
CCW3	-1.6	-2.0	-2.3	-2.6	-2.8	-2.9
CCW3a	-0.5	-0.6	-0.6	-0.7	-0.8	-0.8
CCW4	-2.6	-3.2	-3.7	-3.6	-3.9	-4.0
CCW5	-1.8	-2.9	-2.7	-3.4	-2.6	-2.3
<b>Tannehill Branch</b>						
Upstream IH35	-4.6	-4.8	-4.4	-3.8	-3.9	-3.4
Downstream IH35	-1.6	-1.7	-1.7	-1.4	-2.3	-1.6
Bartholomew Pond to Manor	-1.5	-1.2	-1.6	-1.1	-0.7	-1.5



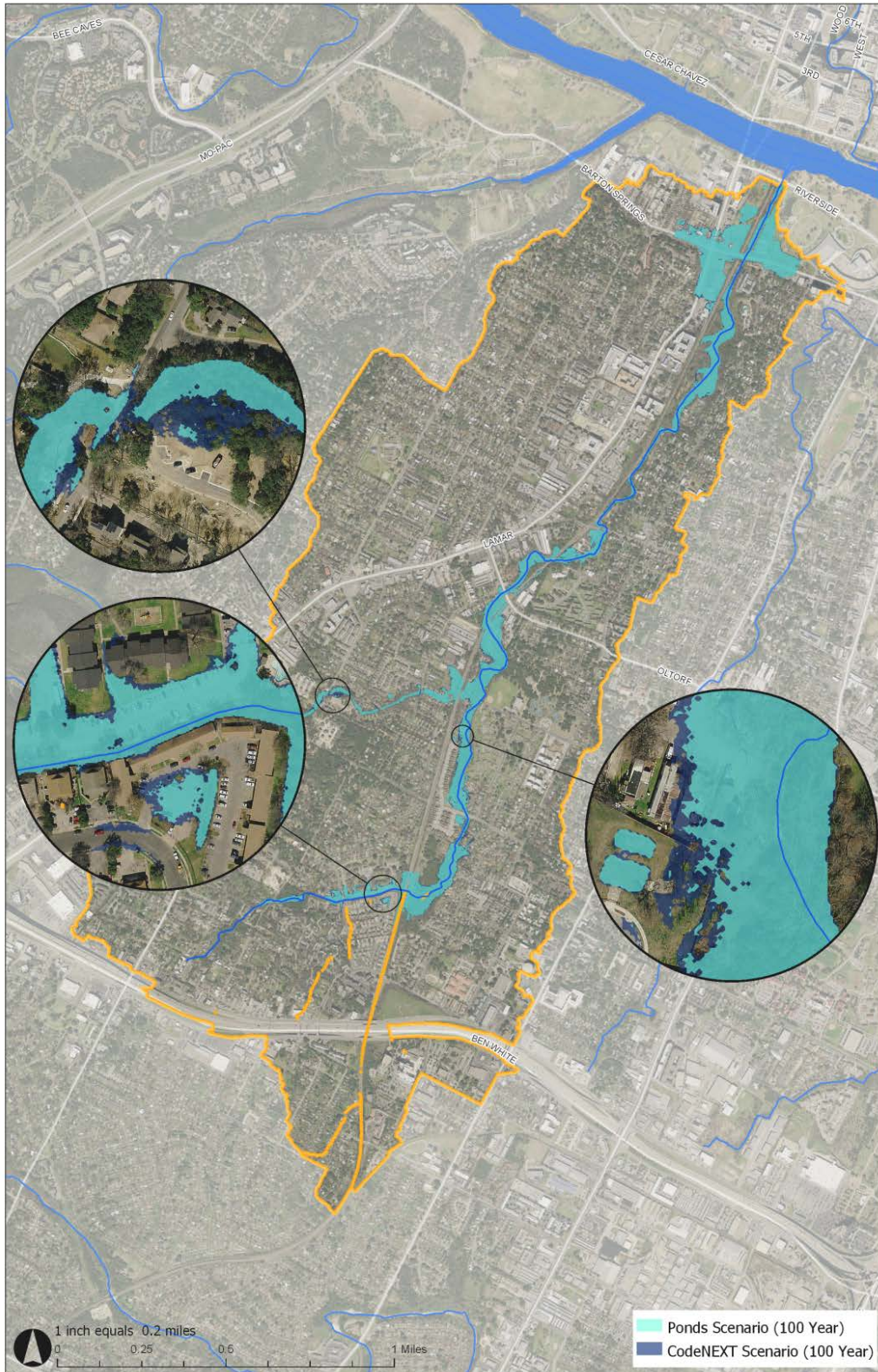


Figure 9. Floodplain comparison between CodeNEXT Maximum scenario and the Mitigation Alternatives scenario (ponds). Notice that while there are minimal floodplain delineation changes there are floodplain elevation reductions as shown in the Table



# CODENEXT MAPPING EVALUATION

## MAPPING WORKING GROUP

### POLICY SCENARIO





# PC MAPPING WORKING GROUP

## COMMISSIONERS:

- Stephen Oliver (*chair*)
- Fayez Kazi
- Conor Kenny
- Trinity White
- Todd Shaw
- William Burkhardt (*ex-officio*)

The City of Austin Planning Commission (PC) established a working group to provide a venue for collaboration between PC and City staff/CodeNEXT consultants involved in the creation of the CodeNEXT zoning map. Working group appointees take on the responsibility of representing PC goals and objectives in the mapping process, and will work closely with staff and consultants to ensure feedback and recommendations from the Planning Commission as a whole are integrated into the map prior to City Council review.





# WORKING GROUP GOALS

- To define a process by which the map would be easier to digest
- To create a gauge by which to test the map and our assumptions
- To take a more detailed look at the factors that could go into informing the map

It is **NOT**

- To create a map in secret
- To replace future planning efforts





# SINCE WE LAST SPOKE

1. The MWG has been working toward being able to present the full commission with a mapping scenario that builds on Draft 3.
2. The scenario includes feedback from the full commission
3. It does NOT represent a recommendation for a final map by the Mapping Workgroup
4. It does give us a place to have a conversation from and an opportunity to explore some of the PC recommendations.





# AUSTIN LAND DEVELOPMENT CODE

PC Mapping Working Group  
February 2018

SHAPING THE AUSTIN WE IMAGINE



CODENEXT



# CODENEXT MAPPING EVALUATION

## MAPPING WORKING GROUP POLICY PRIORITIES





# PC MAPPING WORKING GROUP

## COMISSIONERS:

- Stephen Oliver (*chair*)
- Fayez Kazi
- Conor Kenny
- Trinity White
- Nuria Zaragoza (*outgoing*)
- Todd Shaw (*incoming*)
- William Burkhardt (*ex-officio*)

The City of Austin Planning Commission (PC) established a working group to provide a venue for collaboration between PC and City staff/CodeNEXT consultants involved in the creation of the CodeNEXT zoning map. Working group appointees take on the responsibility of representing PC goals and objectives in the mapping process, and will work closely with staff and consultants to ensure feedback and recommendations from the Planning Commission as a whole are integrated into the map prior to City Council review.





# WORKING GROUP GOALS

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It is **NOT**

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# HOW DID WE GET HERE

## WHERE DID WE START?

- Nearest Equivalency Map; Scenarios

## DIAL IT IN FURTHER

- Priority Levers
  - Individual strategies that would objectively begin to inform the mapping process
  - Based on the goals of Imagine Austin and the Envision Tomorrow's capabilities





# WHAT WE HAVE LEARNED

## FINE TUNING

- Adjusted the scale to see if the effect was direct or exponential
- Eliminated some factors that were far fetched
- Tested some of our assumptions
  - Some levers had effect we expected but not necessarily where we would have assumed
  - Some levers had way less or way more of an impact on the number of units then we expected
- More data to come as the levers are run through the different indicators





# HOW WILL THIS BE USED

## CHEAT SHEET

- Begin to grade the Levers based on the indicators and their feasibility
- A conversation aid to help us have a more nuanced, well informed conversation.

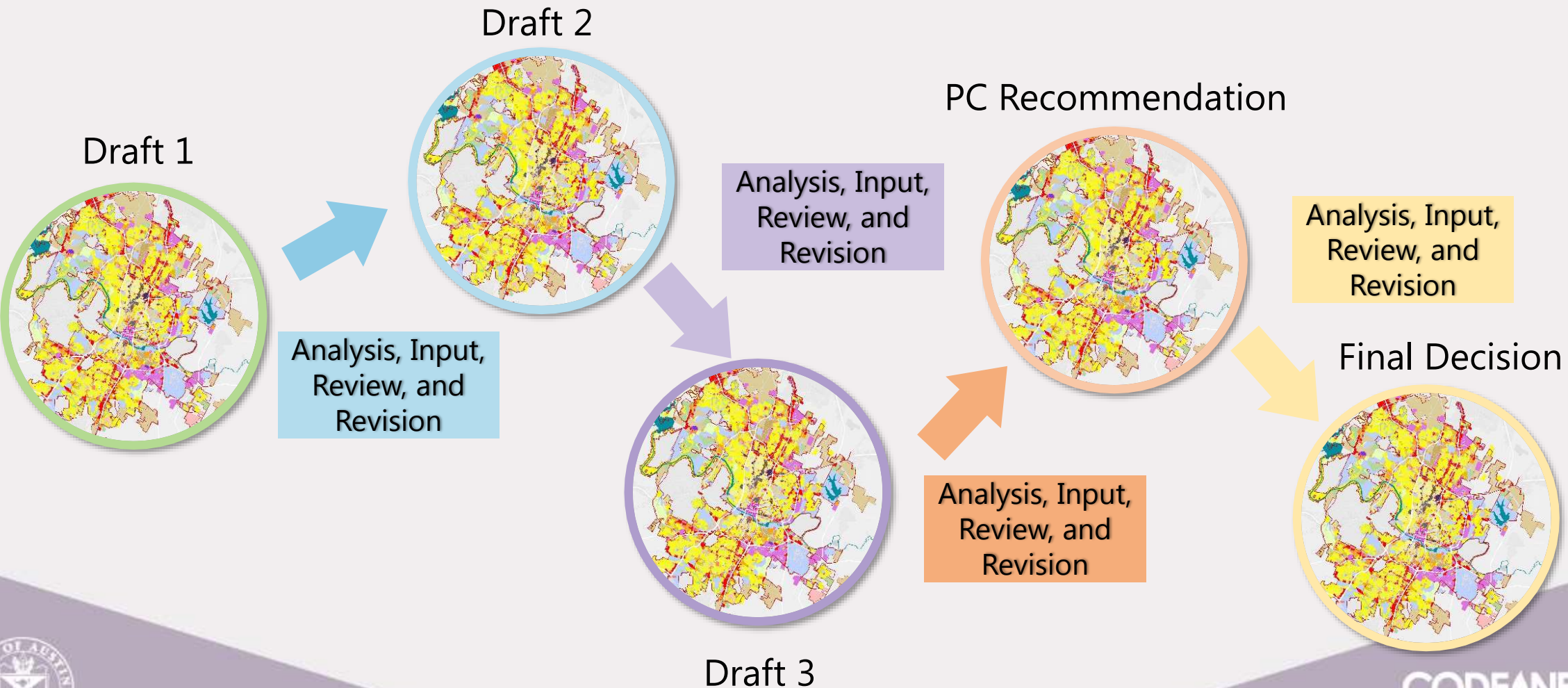
## TONIGHT'S PRESENTATION

- Types of levers that could be used to help the commission to form a more sophisticated recommendation
- **NOT** necessarily what we would want to see implemented
  - Too blunt, need more nuance





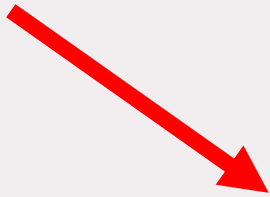
# THE ITERATIVE APPROACH



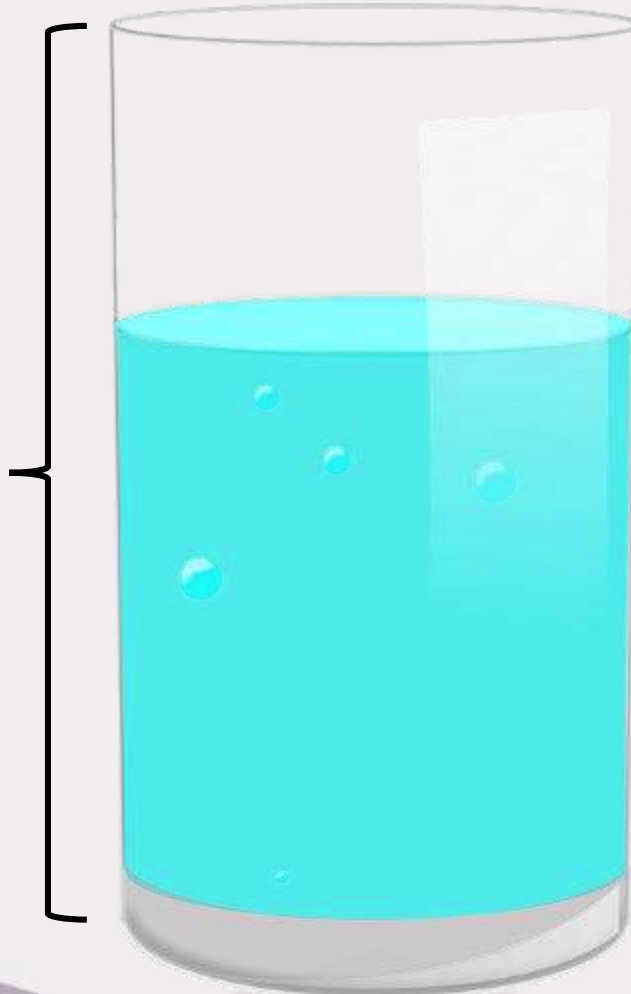


# WHAT IS ZONING CAPACITY (VERSUS A FORECAST)

THIS ANALYSIS



CAPACITY



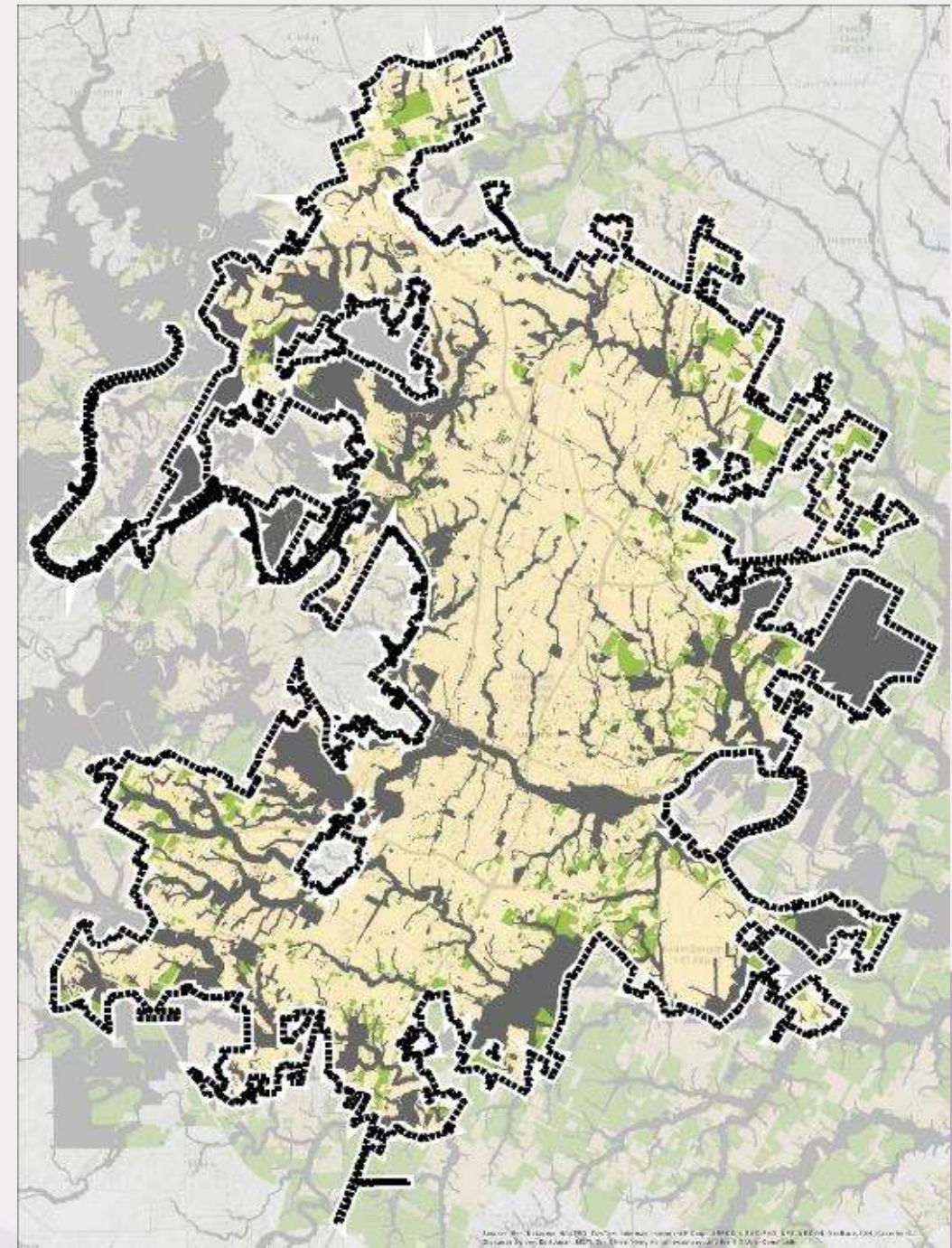
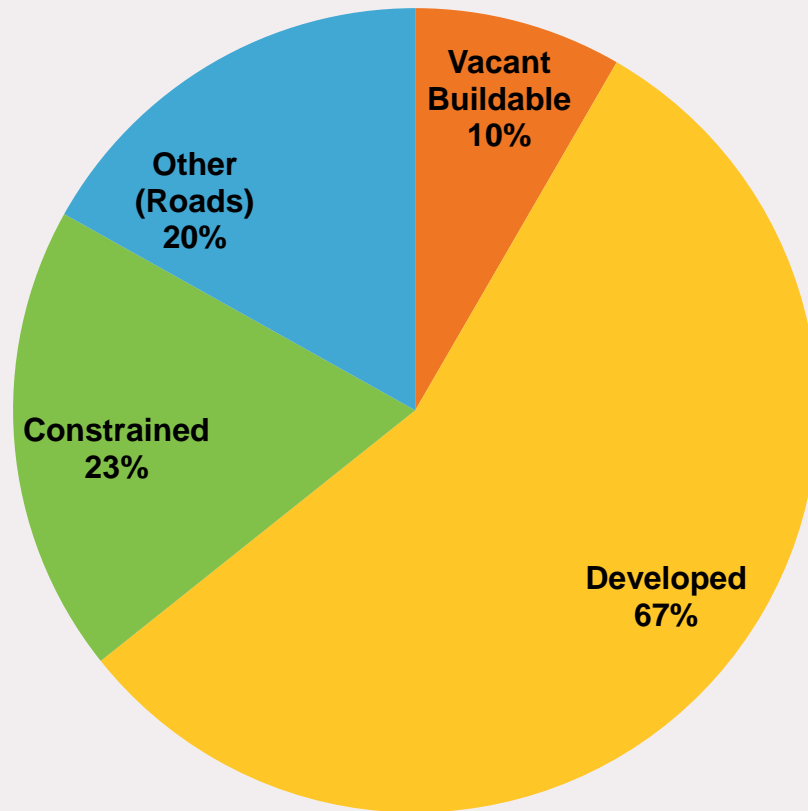
Capacity is the zoning entitlement on land that is vacant or feasible to redevelop

Capacity should be greater than forecast to prevent shortages in zoned land in a growing community

FORECAST

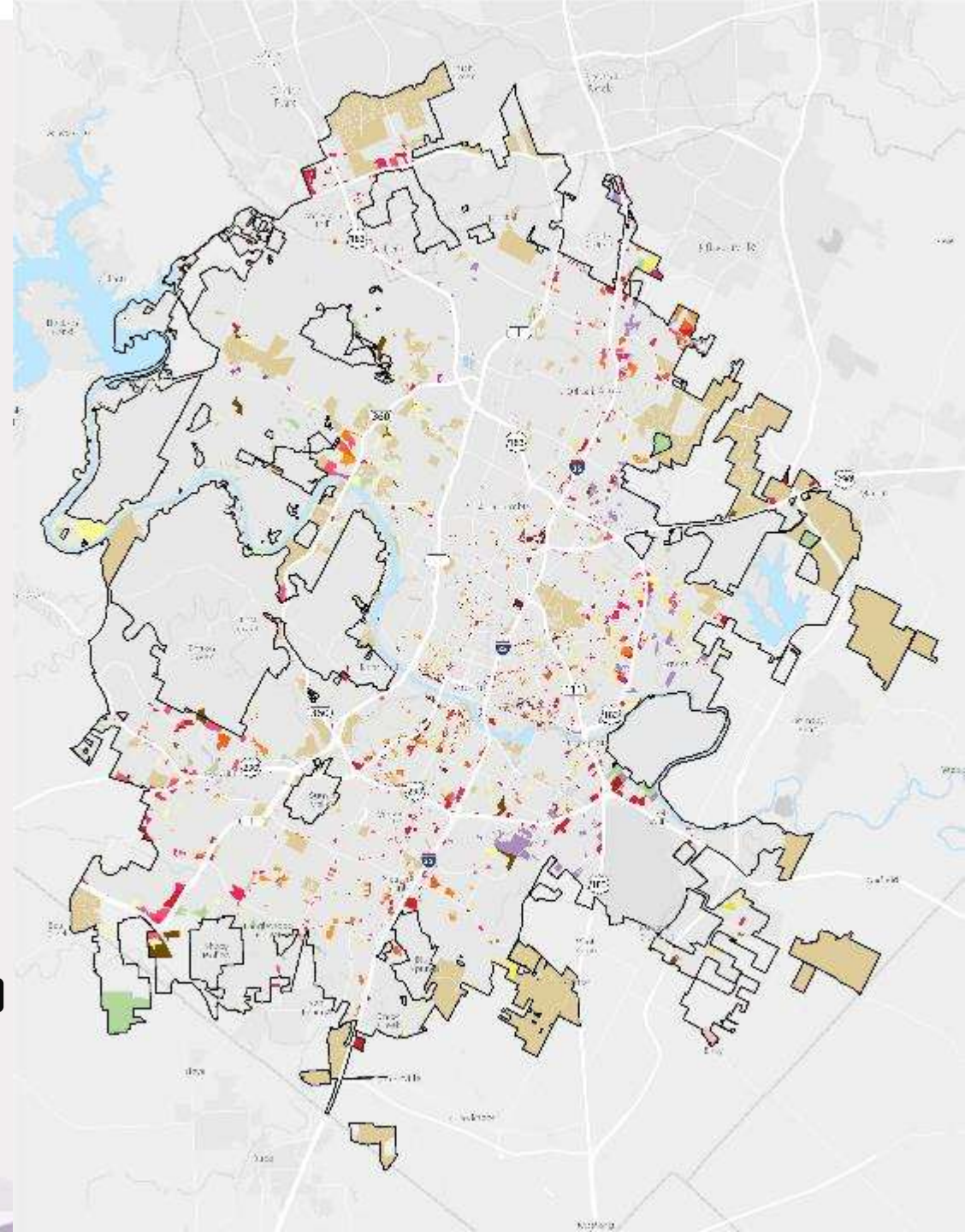


# CAPACITY IS BASED ON VACANT AND UNCONSTRAINED LAND





- Also on Parcels feasible to Redevelop
- Redevelopment feasibility changes based on the zoning entitlement
- We are using a pro forma economic feasibility test





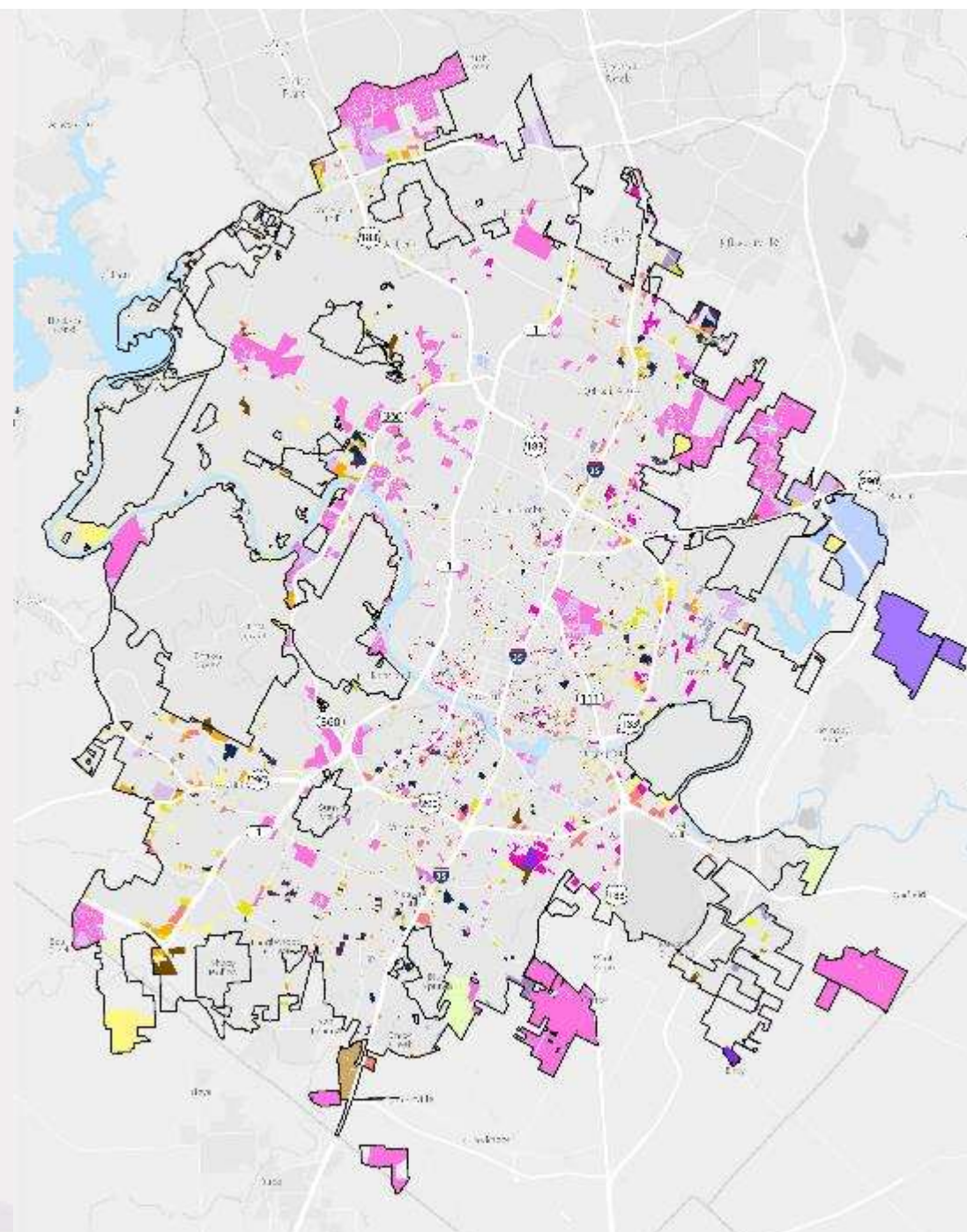
# HOUSING CAPACITY

## “Nearest Equivalency” Map

Zoning Map with the CodeNEXT **closest equivalent zone** to current code entitlements

### Capacity based on new zones

- Calibrated Envision Tomorrow to calculate based on new zoning standards and map





# HOUSING COMPARATIVE ASSESSMENT

UPDATED BASED ON STATED SOLUTIONS

CURRENT CODE

**141,215** HOUSING UNITS

**CODENEXT** EQUIVALENCY  
SHAPING THE AUSTIN WE IMAGINE

**139,420** HOUSING UNITS

---

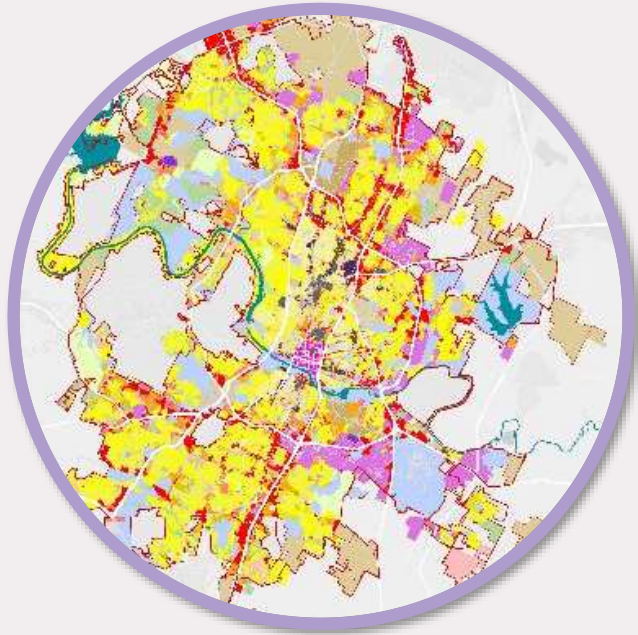
**1,795 Unit Delta**





# TEST ZONING SCENARIOS TO LEARN THE EFFECTS OF PRIORITIES

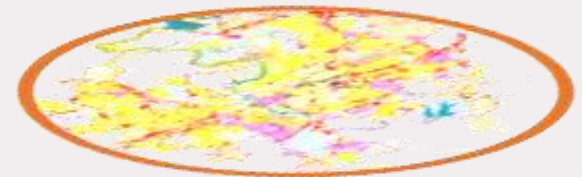
"No Change" Zoning Map (Nearest  
Equivalency or Neutral Priority)



FOCUSED HOUSING

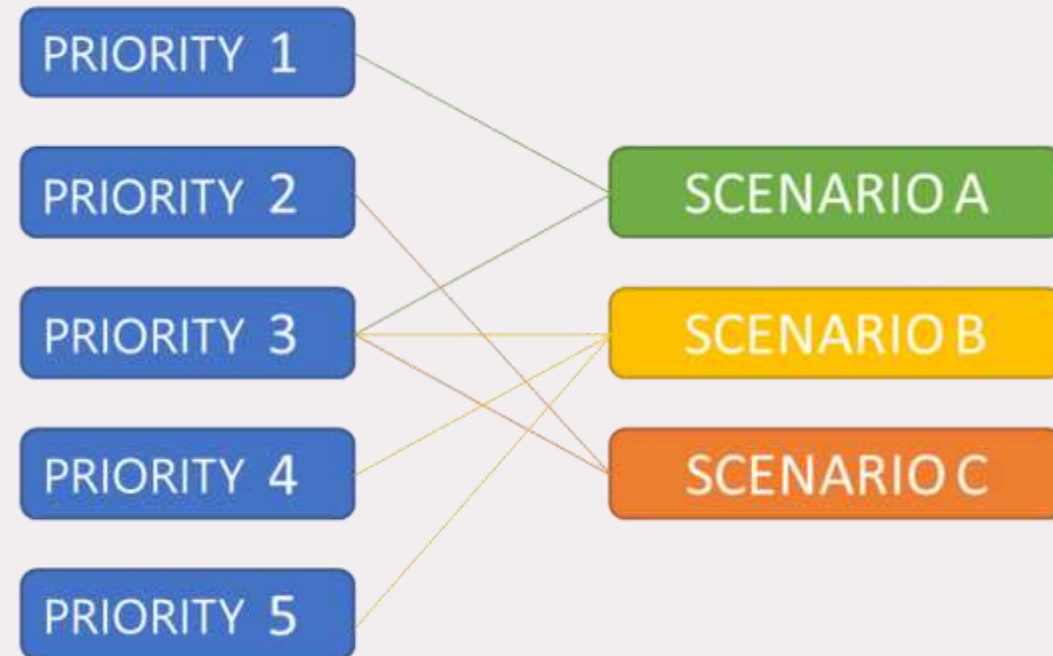
MAX HOUSING

MAX AFFORDABILITY





# SCENARIOS MADE OF PRIORITIES THAT WE CAN TURN OFF AND ON





# SCENARIOS ARE CRASH TEST DUMMIES

16





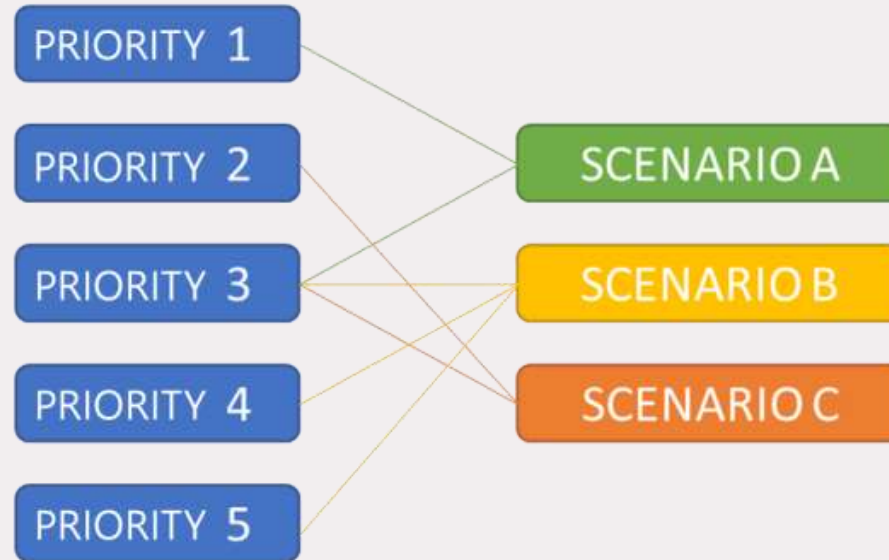
# IMPORTANT DISTINCTIONS

- Priority Levers and Scenarios are “crash test dummies” – NOT Zoning Map Proposals
- Designed to be distinctive – NOT subtle or refined
- Illustrate and quantify directional impacts – NOT accurate or representative the nuance if applied in practice





# GETTING TO A LIST OF PRIORITIES



Step 1:  
Test priorities  
independently



Step 2:  
Test priority  
interactions

Step 3:  
Evaluate priority  
performance



# SCENARIO COMPARISON

	NEAREST EQUIVALENCY: Current Code With Draft 2 Language	SCENARIO A: Vacant Land and Non-Residential Infill	SCENARIO B: Increase Overall Housing Capacity	SCENARIO C: Maximize Income- Restricted Affordable Housing
<b>Priority LEVERS:</b>	<b>N/A</b>	<b>3 – 5 – 7 – 8 - 9</b>	<b>1-2-3-4-6-9-10-11</b>	<b>1-3-4-6-9-10-12-14-15-16</b>
<b>HOUSING UNIT CAPACITY:</b>	<b>146,246</b>	<b>173,399</b>	<b>296,098</b>	<b>479,053</b>
<i>RELATIVE TO nearest equivalency:</i>	<b>N/A</b>	<b>1.2X</b> (+27,093)	<b>2.0X</b> (+149,852)	<b>3.3X</b> (+332,807)
<b>AFFORDABLE UNIT CAPACITY:</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>17,972</b>
<i>RELATIVE TO nearest equivalency:</i>	<b>N/A</b>	<b>+0</b>	<b>+0</b>	<b>+17,023</b>





# SCENARIO A:

## VACANT LAND AND NON-RESIDENTIAL INFILL

Baseline nearest equivalency: **146,246**

Priority 3: Density in IA Centers: **157,086 (+10,841)**

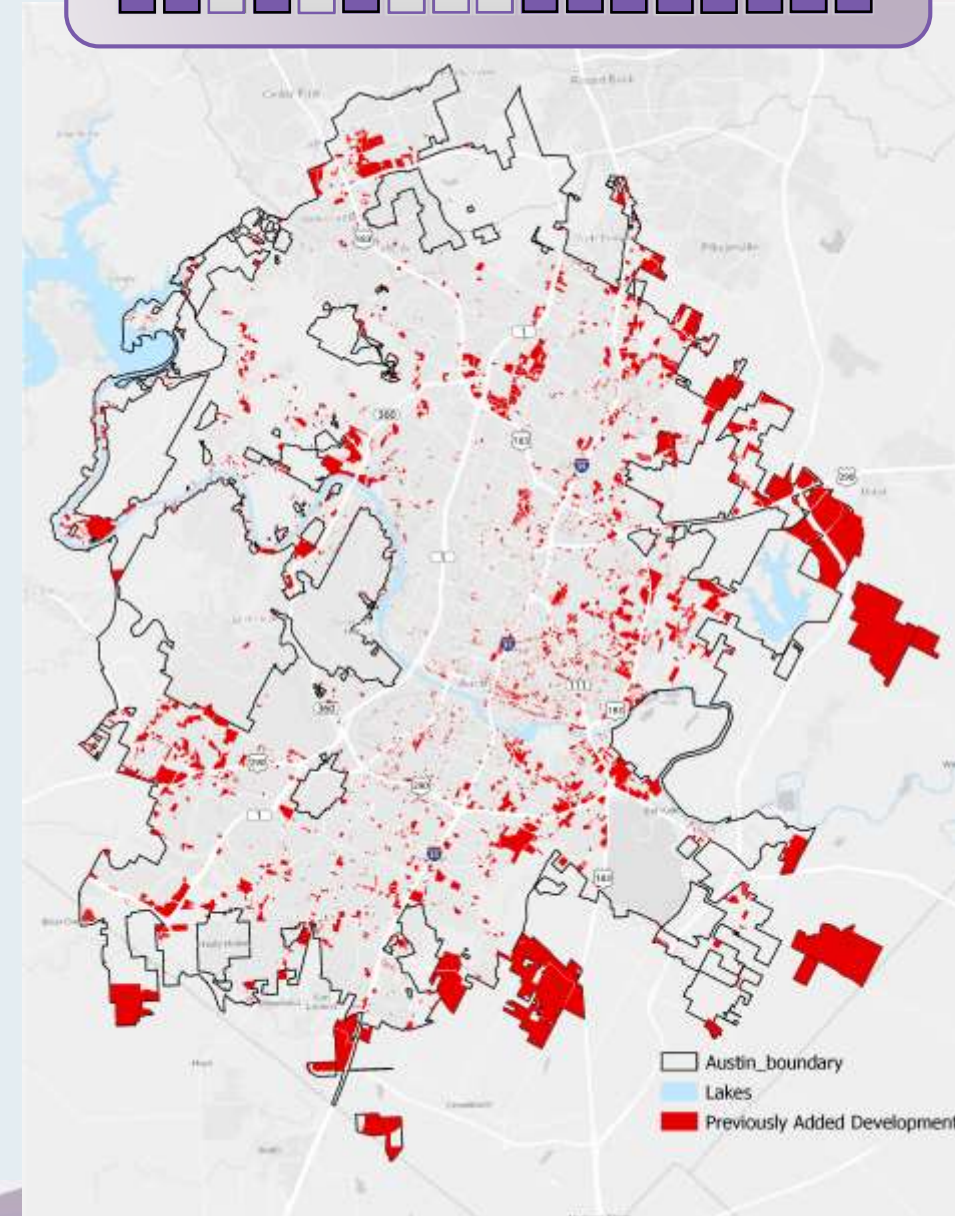
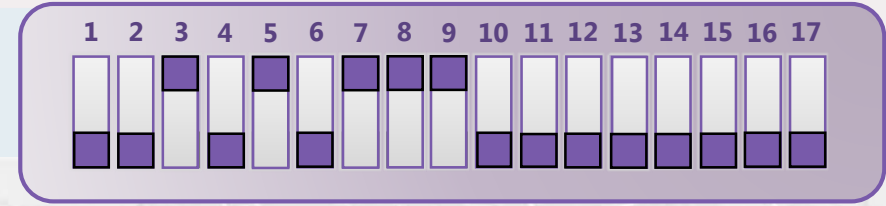
Priority 5: Increased Entitlements around Schools (R3C): **160,425 (+3,338)**

Priority 7: Limit Redevelopment of Single Family: **155,757 (-4,667)**

Priority 8: Limit Redevelopment of Multifamily: **150,508 (-5,249)**

Priority 9: Encourage Infill in R Zones: **176,453 (+25,944)**

TOTAL HOUSING UNIT CAPACITY  
**NEGATIVE CHANGE IN TOTAL CAPACITY**  
**POSITIVE CHANGE IN TOTAL CAPACITY**





# SCENARIO B:

## INCREASE OVERALL HOUSING CAPACITY

Baseline nearest equivalency: **146,246**

Priority 1: Mixed Use in Commercial: **196,595 (+50,349)**

Priority 2: ADUs Possible in More Locations: **206,563 (14,311)**

Priority 3: Density in IA Centers: **221,624 (+10,679)**

Priority 4: Density Along Major Corridors: **258,692 (+37,089)**

Priority 6: Increased Entitlements around Schools (R4A): **263,799 (+5,107)**

Priority 9: Encourage Infill in R Zones: **291,460 (+27,661)**

Priority 10: Encourage Missing Middle Redevelopment: **296,098 (+4,638)**

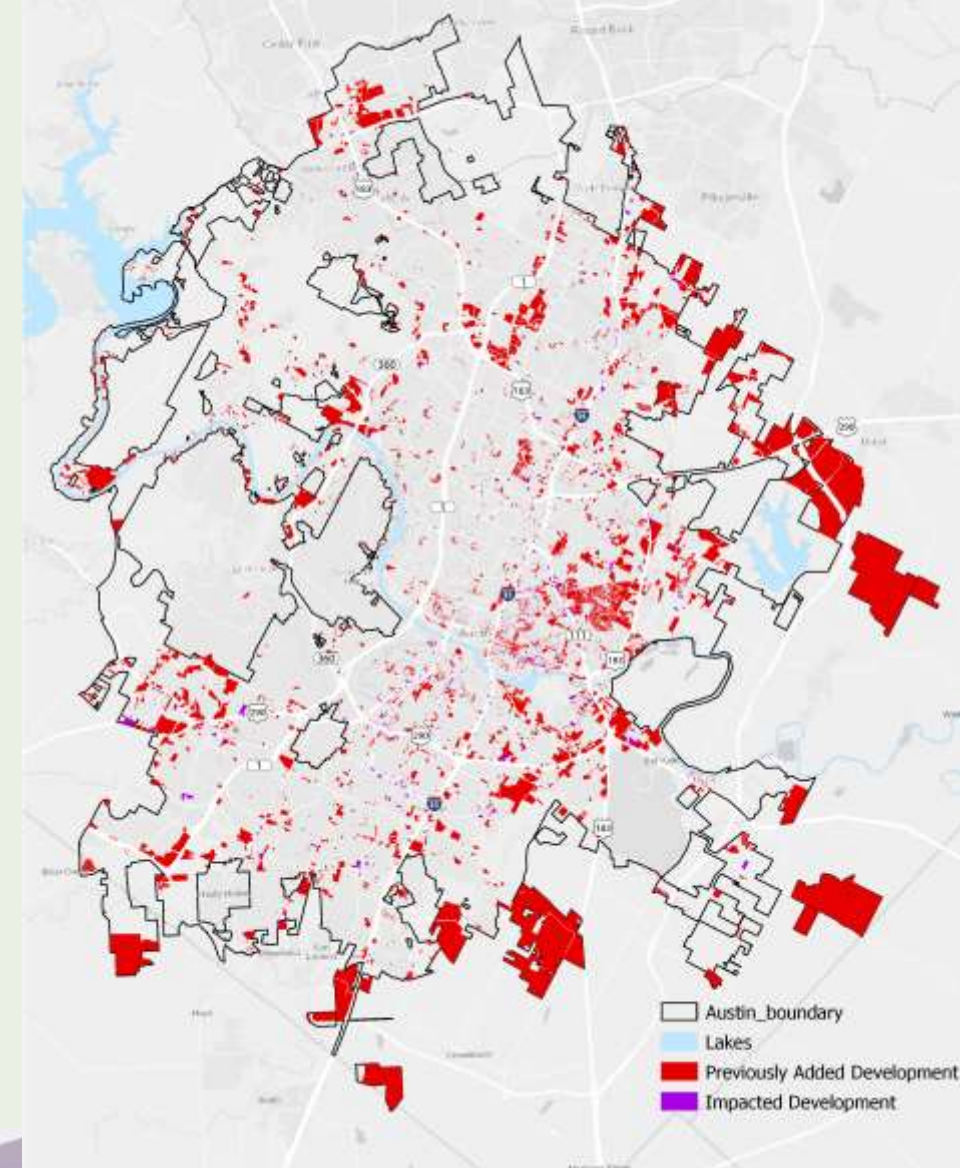
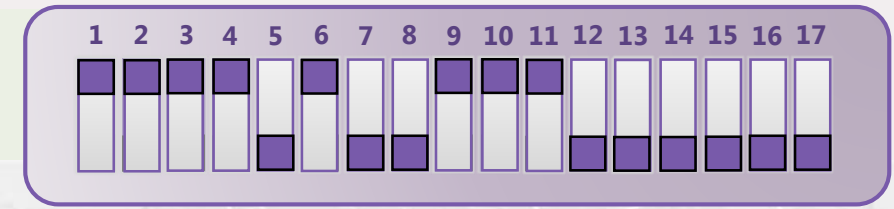
Apply Title 23 Compatibility: **290,605 (-5,493)**

Priority 11: Remove Title 23 Compatibility: **296,098 (+5,493)**

TOTAL HOUSING UNIT CAPACITY

**NEGATIVE CHANGE IN TOTAL CAPACITY**

**POSITIVE CHANGE IN TOTAL CAPACITY**





# SCENARIO C:

## MAXIMIZE INCOME-RESTRICTED AFFORDABLE HOUSING

Baseline nearest equivalency: **146,246**

Priority 1: Mixed Use in Commercial: **196,595** | 0 (+50,349 | +0)

Priority 3: Density in IA Centers: **206,563** | 0 (+9,968 | +0)

Priority 4: Density Along Major Corridors: **241,123** | 0 (+34,560 | +0)

Priority 6: Increased Entitlements around Schools (R4A): **245,881** | 0 (+4,758 | +0)

Priority 9: Encourage Infill in R Zones: **271,656** | 0 (+25,775 | +0)

Priority 10: Encourage Missing Middle Redevelopment: **275,978** | 0 (+4,322 | +0)

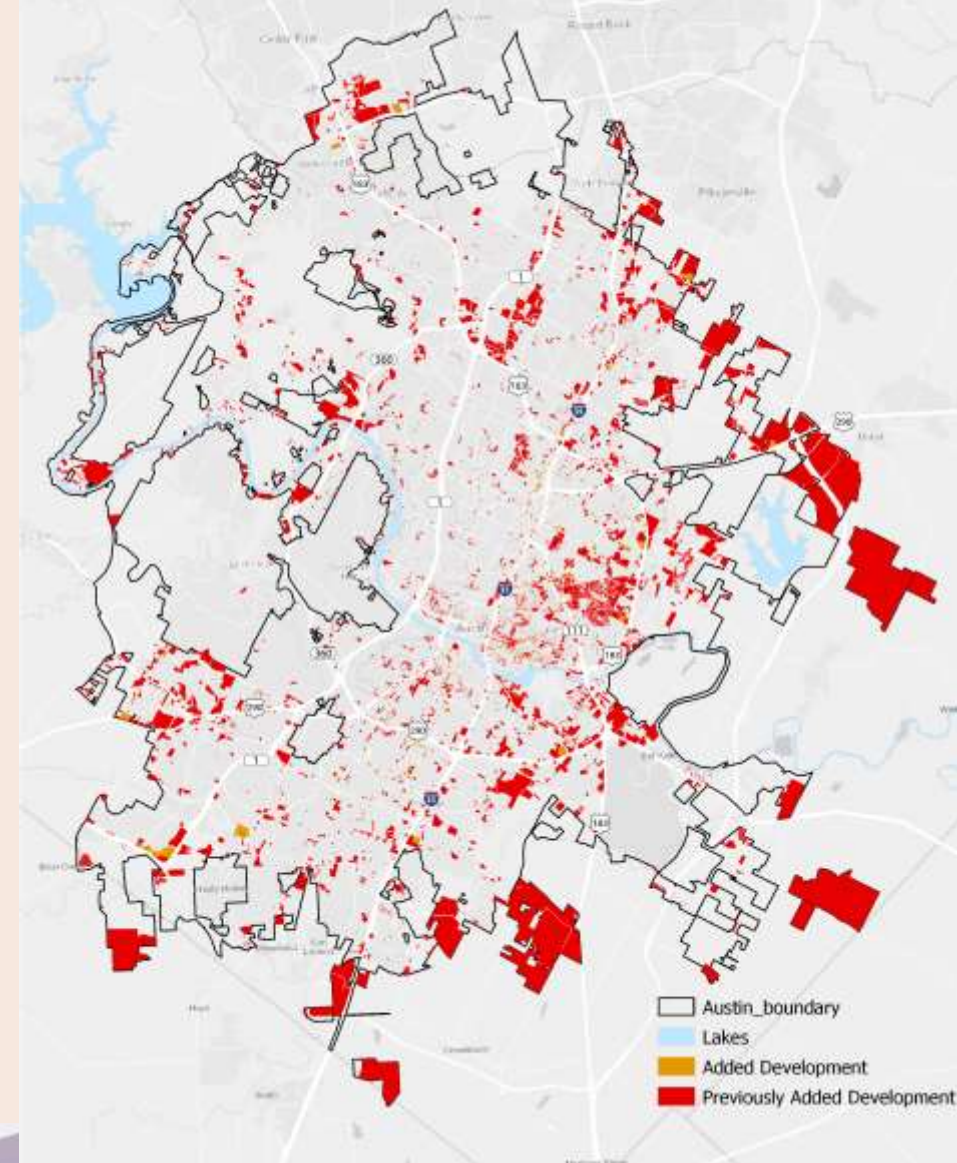
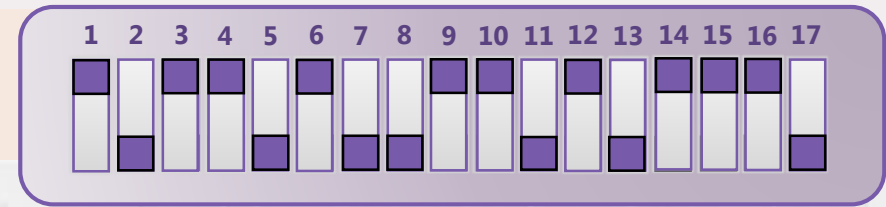
Priority 12: Apply Bonuses in Draft 2: **369,371** | 8,328 (+93,393 | +8,328)

Priority 14: Upzone + Bigger Bonuses: **489,566** | 8,837 (+120,195 | +509)

Priority 15: Match Existing Base Entitlements: **467,525** | 17,542 (-22,041 | +8,705)

Priority 16: Mimic VMU: **479,053** | 17,972 (+11,528 | +430)

TOTAL HOUSING UNIT CAPACITY  
TOTAL AFFORDABLE UNIT CAPACITY  
NEGATIVE CHANGE IN TOTAL CAPACITY  
POSITIVE CHANGE IN TOTAL CAPACITY  
CHANGE IN AFFORDABLE UNIT CAPACITY





# EVALUATED PRIORITY LIST

POLICY ID	DESCRIPTION	CAPACITY	MAPPING WORKING GROUP EVAL
P1	Permit Mixed Use in Commercial Zones	46,324	●●●●●●
P2	ADUs in More Locations	10,525	●●●●●○
P3a	Increase density on non-residential land in IA Centers (1/8 mile)	11,679	●●●●●●
P3b	Increase density on non-residential land in IA Centers (1/4 mile)	17,238	-----
P4	Increase density on non-residential land within 1/8 mile of major thoroughfares	39,894	●●●●●●
P5	Increase density within 1/8 mile of schools (R3C)	2,927	●●●●●●
P6	Increase density within 1/8 mile of schools (R4A)	4,313	●●●●●○
P7	Limit redevelopment of existing single family in R zones	(2,108)	○●●●●○
P8	Limit redevelopment of older multifamily properties	(3,512)	●●●●●●
P9	Encourage infill development of missing middle housing on vacant land	25,620	●●●●●○
P10	Encourage redevelopment of detached single family housing into missing middle housing	4,323	○●●●●○
P11	Remove title 23 compatibility requirements	1,360	○●●●●○
P12	Apply Draft 2 bonuses	76,848	●●●●●●
P14	Upzone to more intense zones, particularly zones with larger bonuses	73,664	●●●●●○
P15	Create new versions of some Draft 2 zones (MU/MS) so that the zones allow residential only as a bonus	89,640	●●●●●●
P16	Create new versions of some Draft 2 zones (MU/MS) to mimic the base entitlements of current VMU zones	16,380	●●●●●●
P17	Create new versions of Draft 2 small-scale zones (R1, R2, R3, R4, MU1 zones) that incorporate bonuses	10,525	●●●●●○
P18a	Missing Middle in IA Centers (R3C)	7,049	●●●●●●
P18b	Missing Middle in IA Centers (R4A)	8,805	-----
P19a	Missing Middle within 1/8 mile of major thoroughfares (R3C)	23,344	●●●●●○
P19b	Missing Middle within 1/8 mile of major thoroughfares (R4A)	28,266	-----

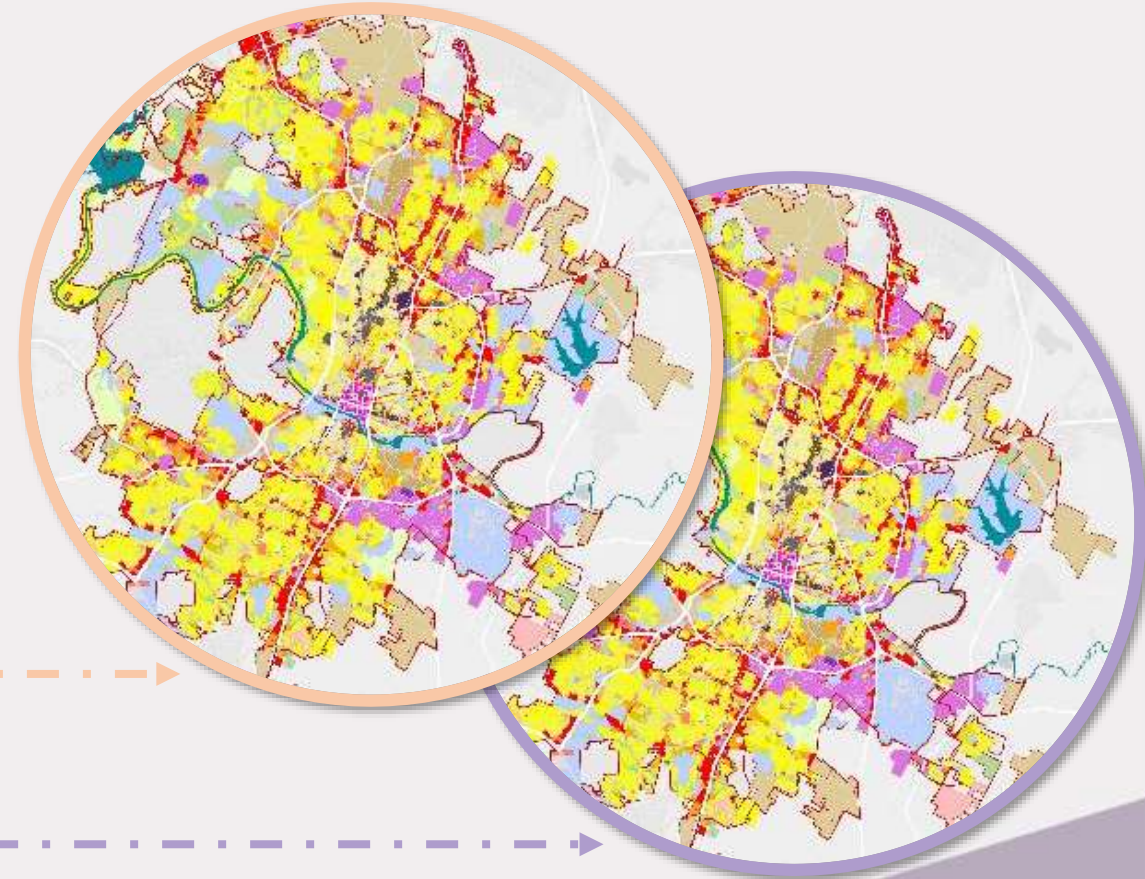
- Lack of interest in further discussion
- Interest with caveats
- Interest in discussing further
- Not evaluated as of 2/1/18





# POLICY PRIORITIES ALLOW US TO EVALUATE THE DRAFT MAP

	Nearest Equivalency	"Draft 3"
POLICY 1: ALLOW MIXED USE IN COMMERCIAL ZONES	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>
POLICY 2: ADUs EVERYWHERE	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
POLICY 3: INCREASE ENTITLEMENTS IN IA CENTERS	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/>
POLICY 4: INCREASE ENTITLEMENTS ON CORRIDORS	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>



FOR ILLUSTRATIVE PURPOSES ONLY



CODENEXT



# COMPARE DRAFTS BASED ON REPORT CARD INDICATORS





# NEAREST EQUIVALENCY

## Priority 0: "Nearest Equivalency" Scenario

- Current code translated to "Draft 2" code
- Redevelopment based on feasibility in current code

## What is "Nearest Equivalency?"

- This Zoning scenario would use the new Draft 2 language, but with proposed AHBP bonuses turned off
- Does not include MU zones in the Draft 2 code
- Priorities and scenarios are added to it to show how it would affect the city
- Both the Nearest Equivalency Map and Current Code have an estimated capacity of about **140,000 units**





P1

# EXPAND MIXED USE

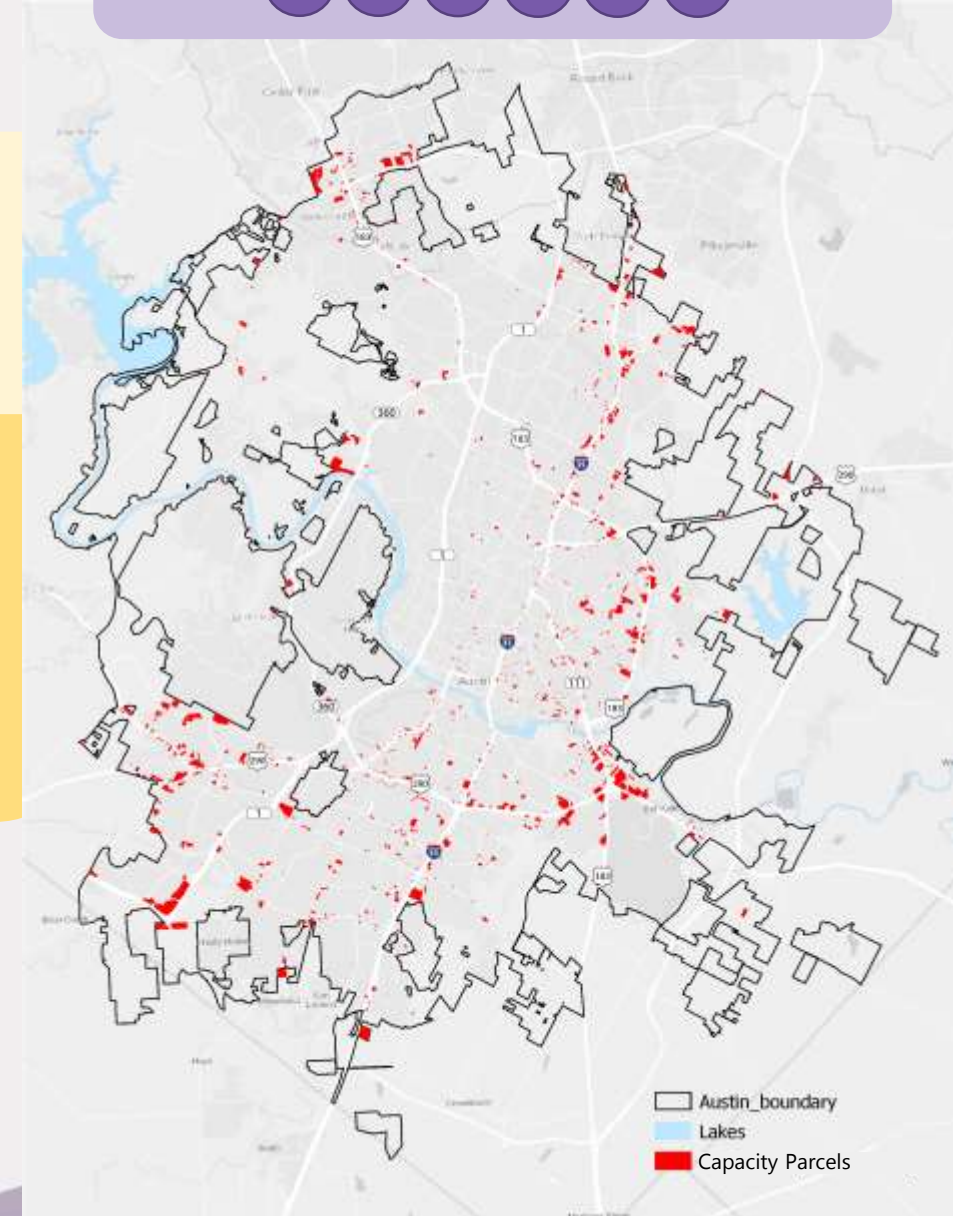
## Priority 1: Mixed Use in Commercial Zones

- MU zones applied to areas zoned commercial in current code without "v" or "mu" in their zoning string

CAPACITY CHANGE  
(RELATIVE TO NEAREST EQUIVALENCY)

**+46,324**  
HOUSING UNITS

MAPPING WORKING GROUP INTEREST





# ADUs EVERYWHERE

## Priority 2: Encourage ADUs and Increase Land Capacity

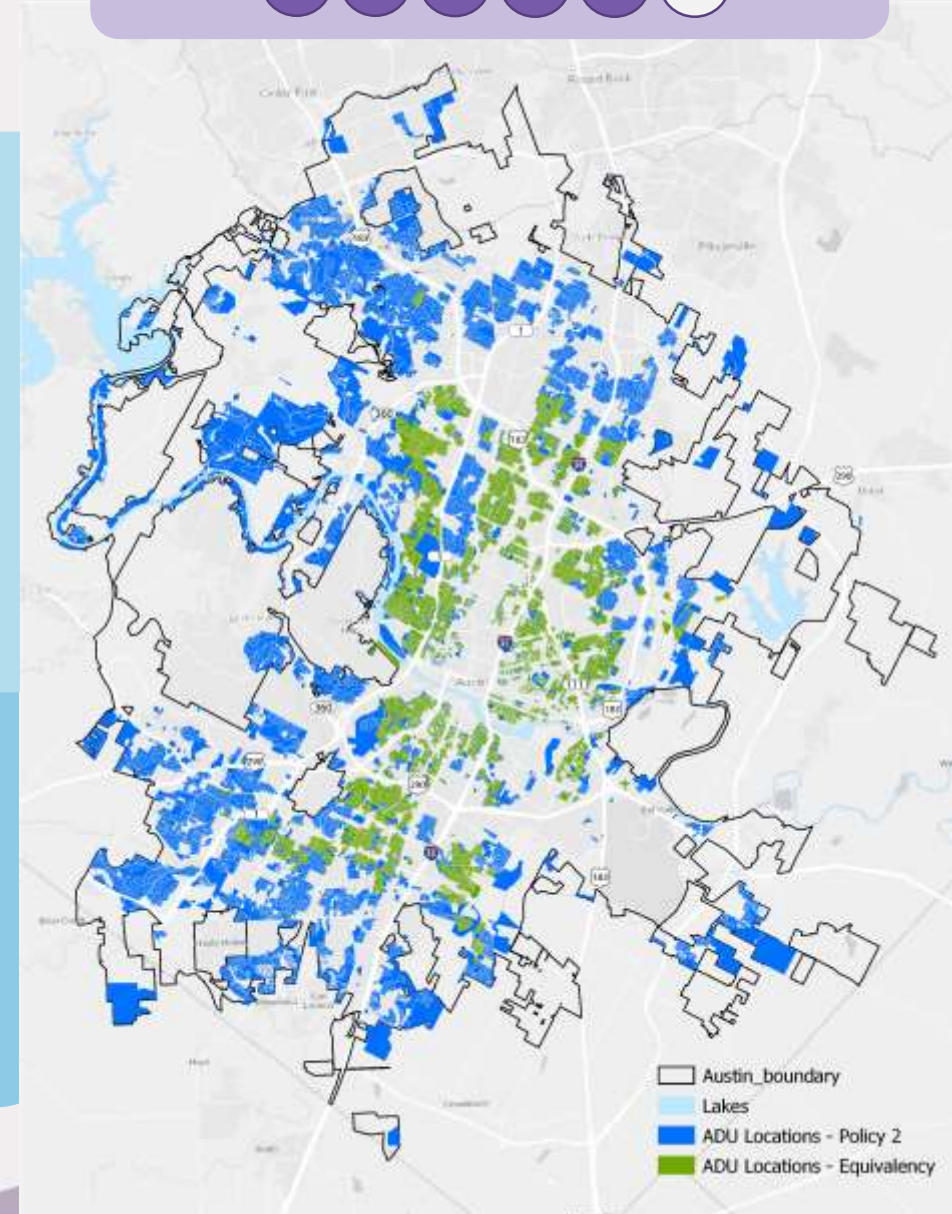
- ADUs possible on 148,922 parcels (94% of single-family zoned lots) up from 68,760 in “nearest equivalency” (43%)
- Package of incentives such as fee waivers, parking reductions, and internal ADUs encourage development
- Assume ADU production rises from 2.5% of annual permits to 10% (similar to Portland, OR)

## CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

**+10,525**  
**HOUSING UNITS**

## MAPPING WORKING GROUP INTEREST





P3

# IA CENTERS

## Priority 3: Increase Density in IA Centers

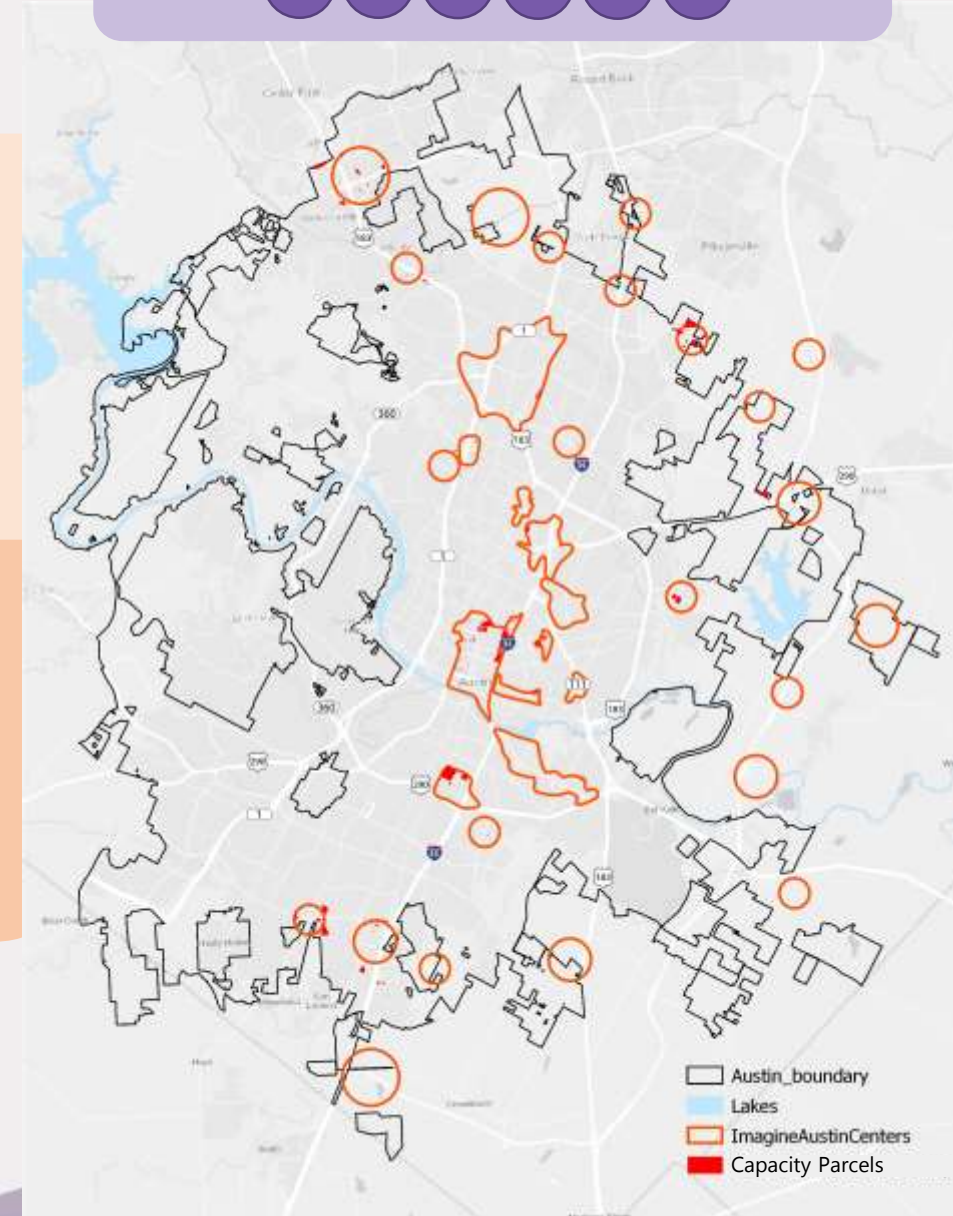
- Upzone parcels up to 1/8 mile away from Imagine Austin Centers to MS2B
- Exclude residential parcels
- Feasibility test is done to assess where redevelopment might occur

*Note: Increasing distance to 1/4 mile adds an additional 5,558 units*

**CAPACITY CHANGE**  
(RELATIVE TO NEAREST EQUIVALENCY)

**+11,679**  
**HOUSING UNITS**

MAPPING WORKING GROUP INTEREST







### Priority 4: Increase Density Along Major Thoroughfares

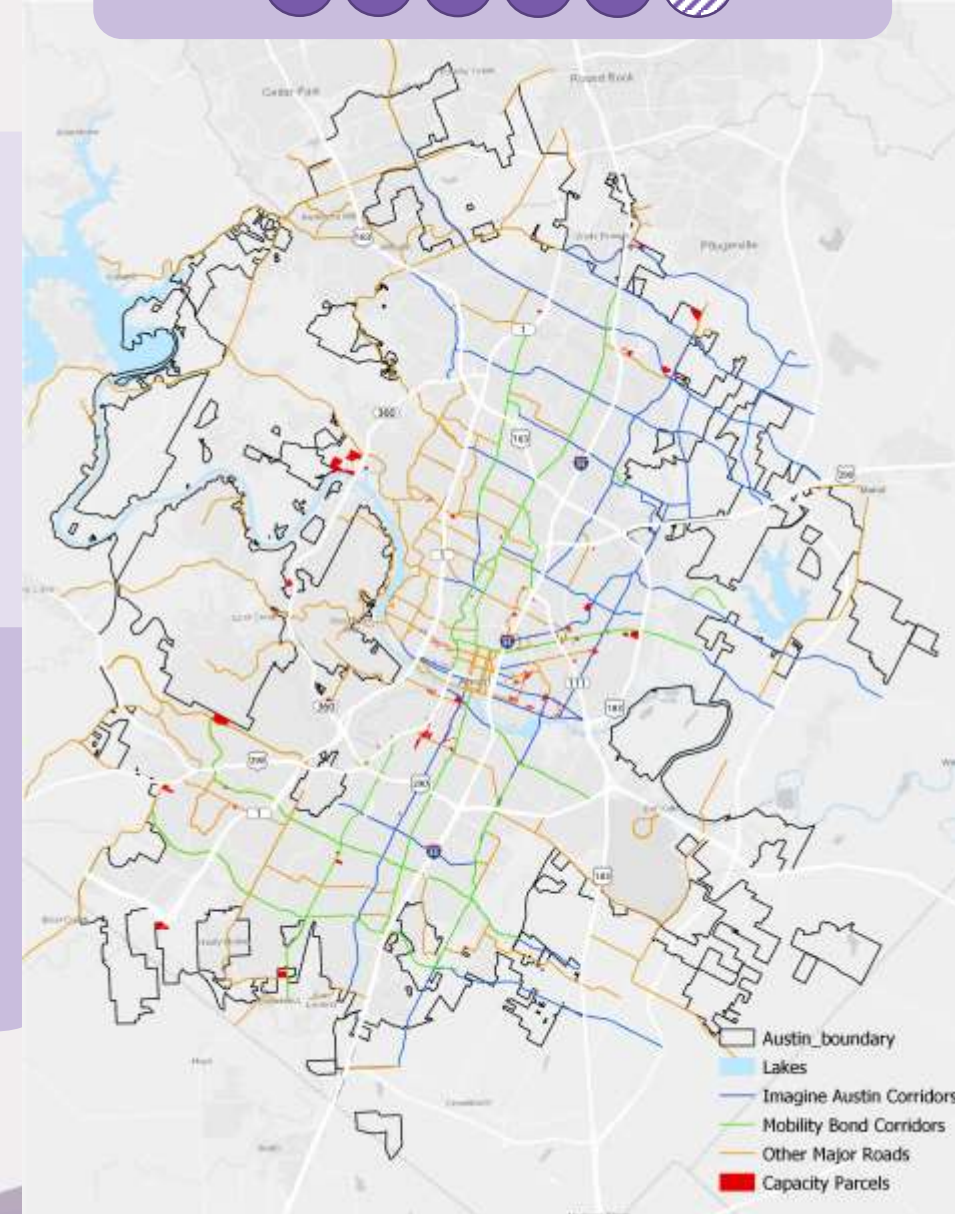
- Commercial land within 1/8 mile of Imagine Austin Corridors, Mobility Bond Corridors, and all other major thoroughfares.
- Exclude residential parcels
- Upzone parcels to MS2B
- Feasibility test is done to assess where redevelopment might occur

*Note: Increasing distance to ¼ mile adds an additional 13,800 units*

### CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

**+39,894**  
HOUSING UNITS





P5

# AISD SCHOOLS (R3C)

## Priority 5: Increase Density Around AISD Schools to R3C

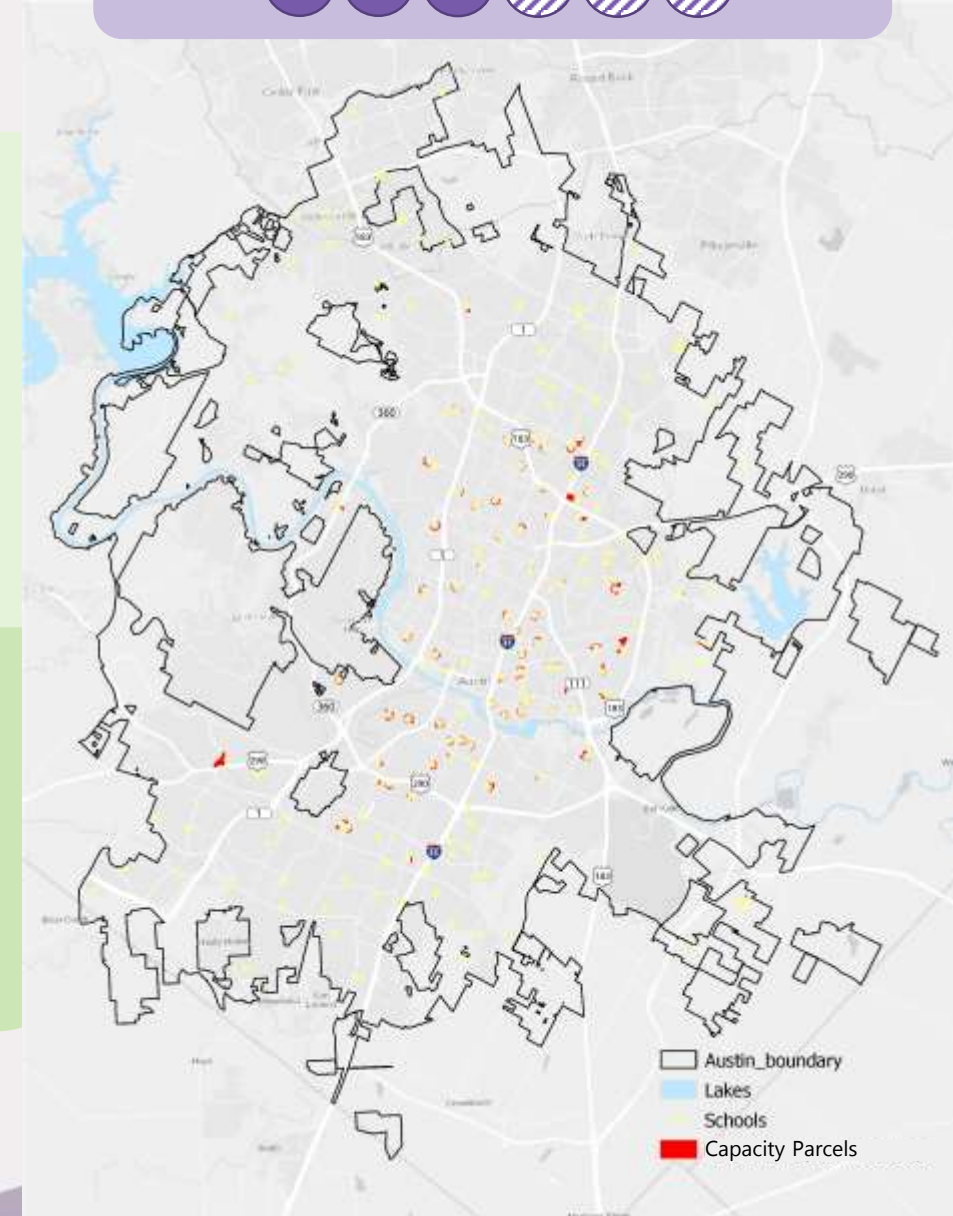
- Increase entitlements on parcels within 1/8 mile of public schools
- Parcels zoned R1 or lower upzoned to R2B
- Parcels zoned R2 upzoned to R3C
- Feasibility test is done to assess where redevelopment might occur

### CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

**+2,927**  
*HOUSING UNITS*

MAPPING WORKING GROUP INTEREST





P6

# AISD SCHOOLS (R4A)

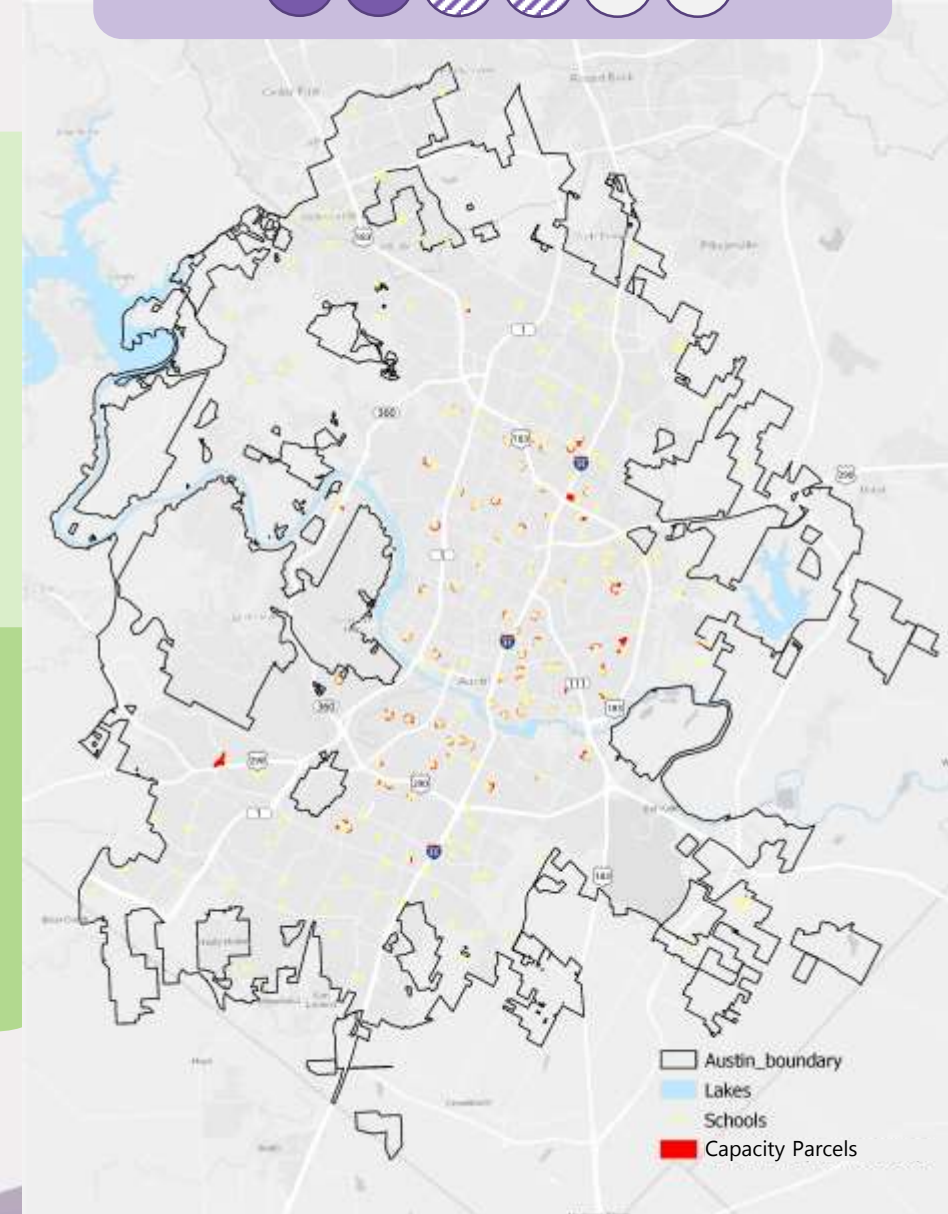
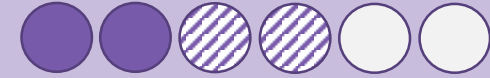
## Priority 6: Increase Density Around AISD Schools to R4A

- Increase entitlements on parcels within 1/8 mile of public schools
- Parcels zoned R1 or lower upzoned to R2B
- Parcels zoned R2 upzoned to R4A
- Feasibility test is done to assess where redevelopment might occur

CAPACITY CHANGE  
(RELATIVE TO NEAREST EQUIVALENCY)

**+4,313**  
HOUSING UNITS

MAPPING WORKING GROUP INTEREST





P7

# LIMIT SINGLE FAMILY REDEVELOPMENT

## Priority 7: Limit Redevelopment on Existing Single Family Parcels in R Zones

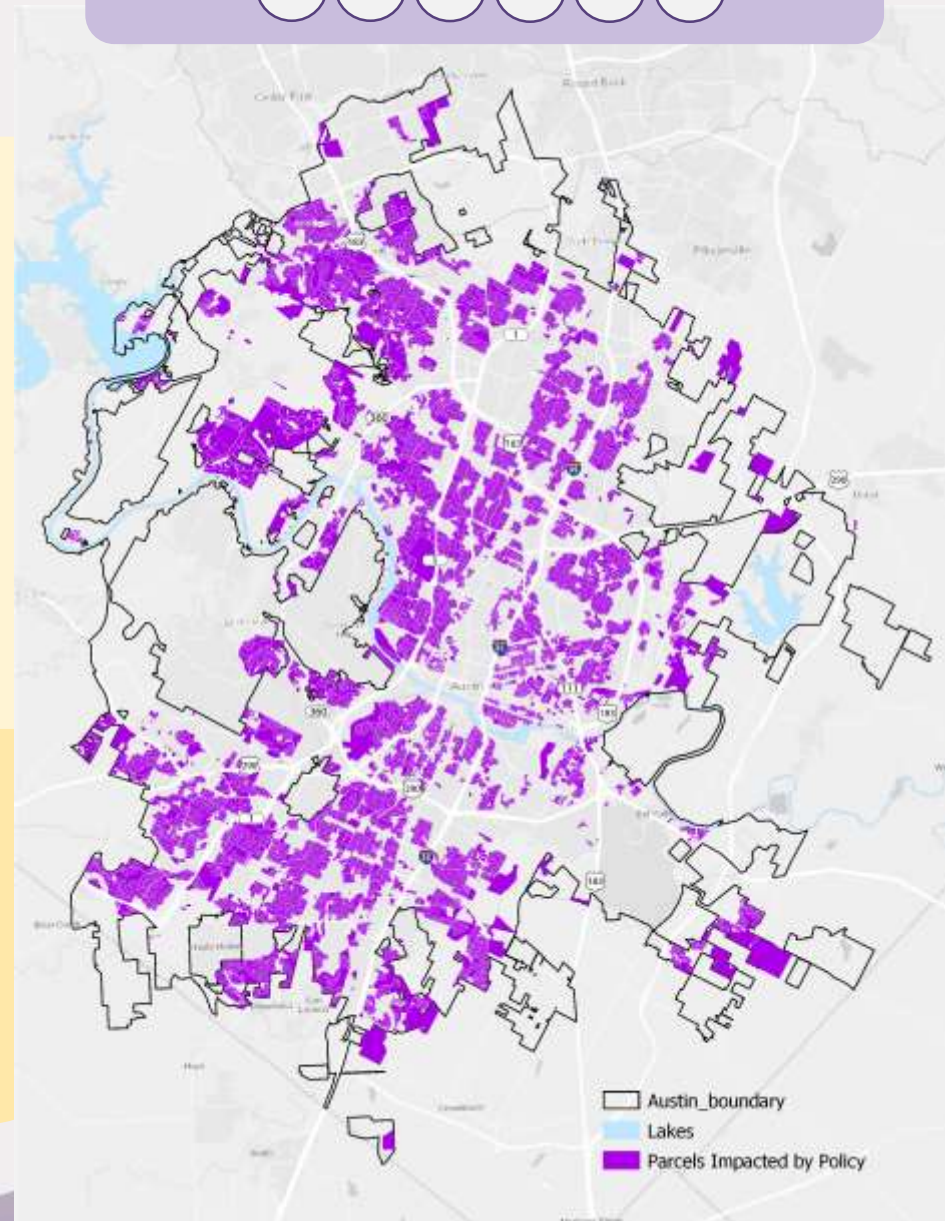
- Any R zoned parcel with an existing single family home is excluded from any future development
- In “nearest equivalency” this only blocks SF demolitions at the rate at which they already occur in Austin (~465 per year)
- When combined with other priorities, this Priority has a much larger impact

### CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

**-2,108**  
HOUSING UNITS

MAPPING WORKING GROUP INTEREST





P8

# PRESERVE EXISTING MULTIFAMILY

## Priority 8: Limit Redevelopment of Existing Older Multifamily Housing Stock

- Entitlements on existing multifamily use (in any zone) are kept static
- Threshold for age is built before 1985
- Relatively small impact even when combined with other priorities

*Note: P8 blocks ~7,800 units of capacity in Nearest Equivalency, but preserves ~4,300 existing multifamily units.*

## CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

**-3,512**  
HOUSING UNITS

MAPPING WORKING GROUP INTEREST





P9

# MISSING MIDDLE INFILL

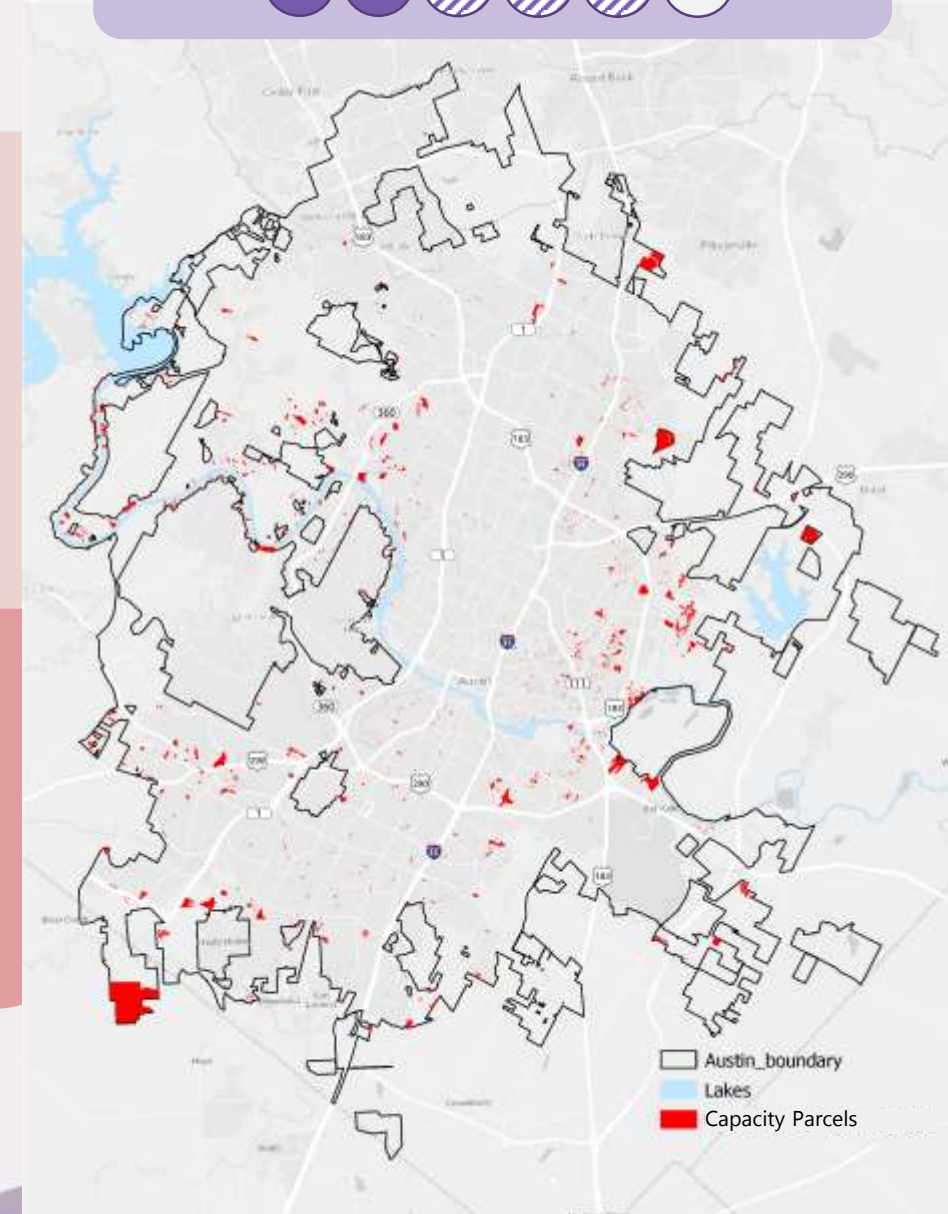
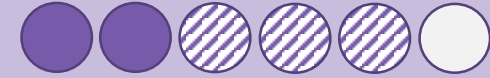
## Priority 9: Encourage Missing Middle Housing on Vacant Land in R Zones

- R4A is applied to all vacant land zoned RR, LA, R1, R2, or R3 in “nearest equivalency”
- R4A allows a range of missing middle housing types including cottage courts, duplexes, and multiplexes

CAPACITY CHANGE  
(RELATIVE TO NEAREST EQUIVALENCY)

**+25,620**  
*HOUSING UNITS*

MAPPING WORKING GROUP INTEREST





P10

# MISSING MIDDLE REDEV

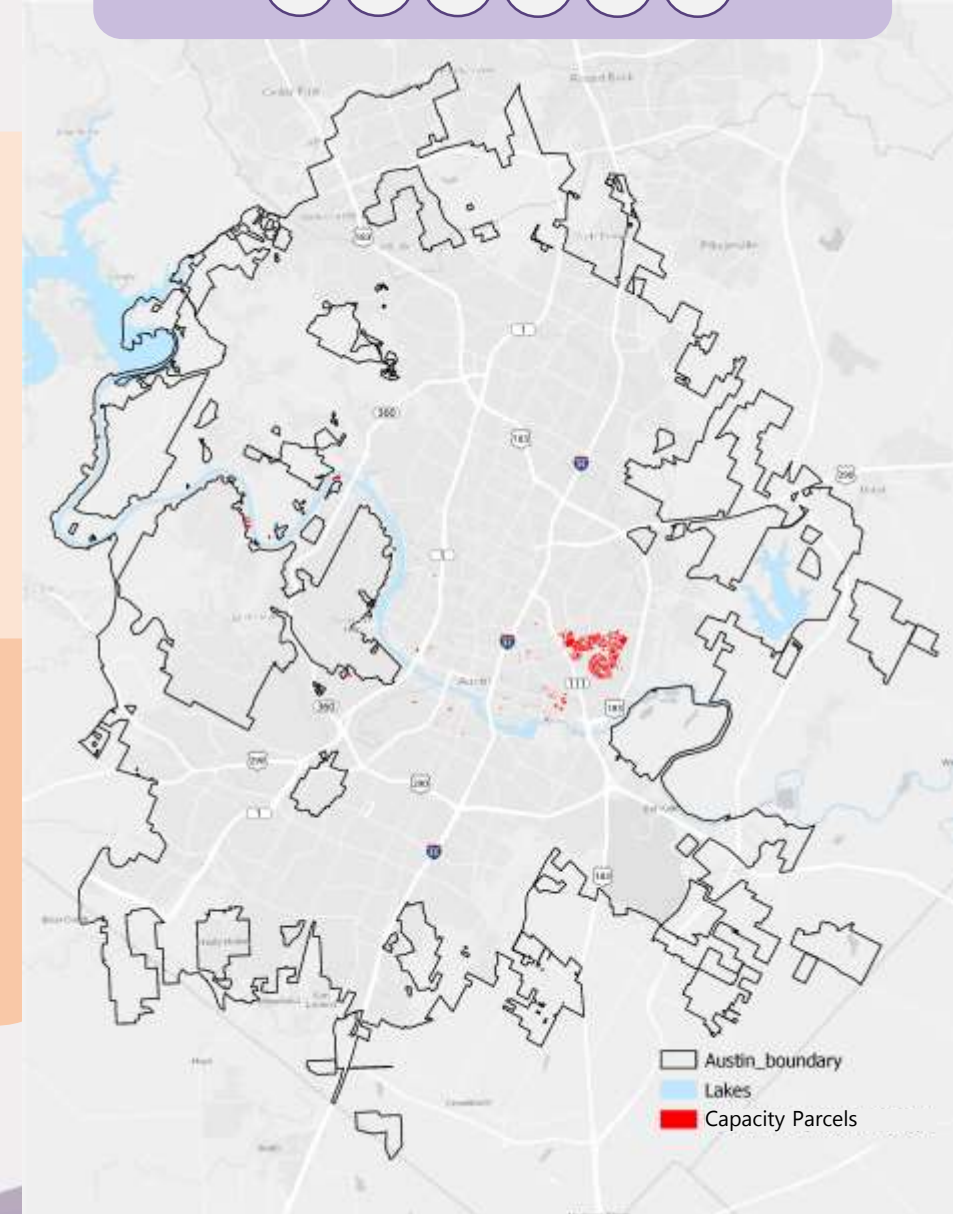
## Priority 10: Encourage Redevelopment of Existing Single Family in R Zones to Missing Middle

- R4A is applied to developed land zoned RR, LA, R1, R2, or R3 in “nearest equivalency” based on a feasibility test
- R4A allows a range of missing middle housing types including cottage courts, duplexes, and multiplexes
- Impacted land area is disproportionately in East Austin

CAPACITY CHANGE  
(RELATIVE TO NEAREST EQUIVALENCY)

**+4,323**  
HOUSING UNITS

MAPPING WORKING GROUP INTEREST





P11

# TURN OFF COMPATIBILITY

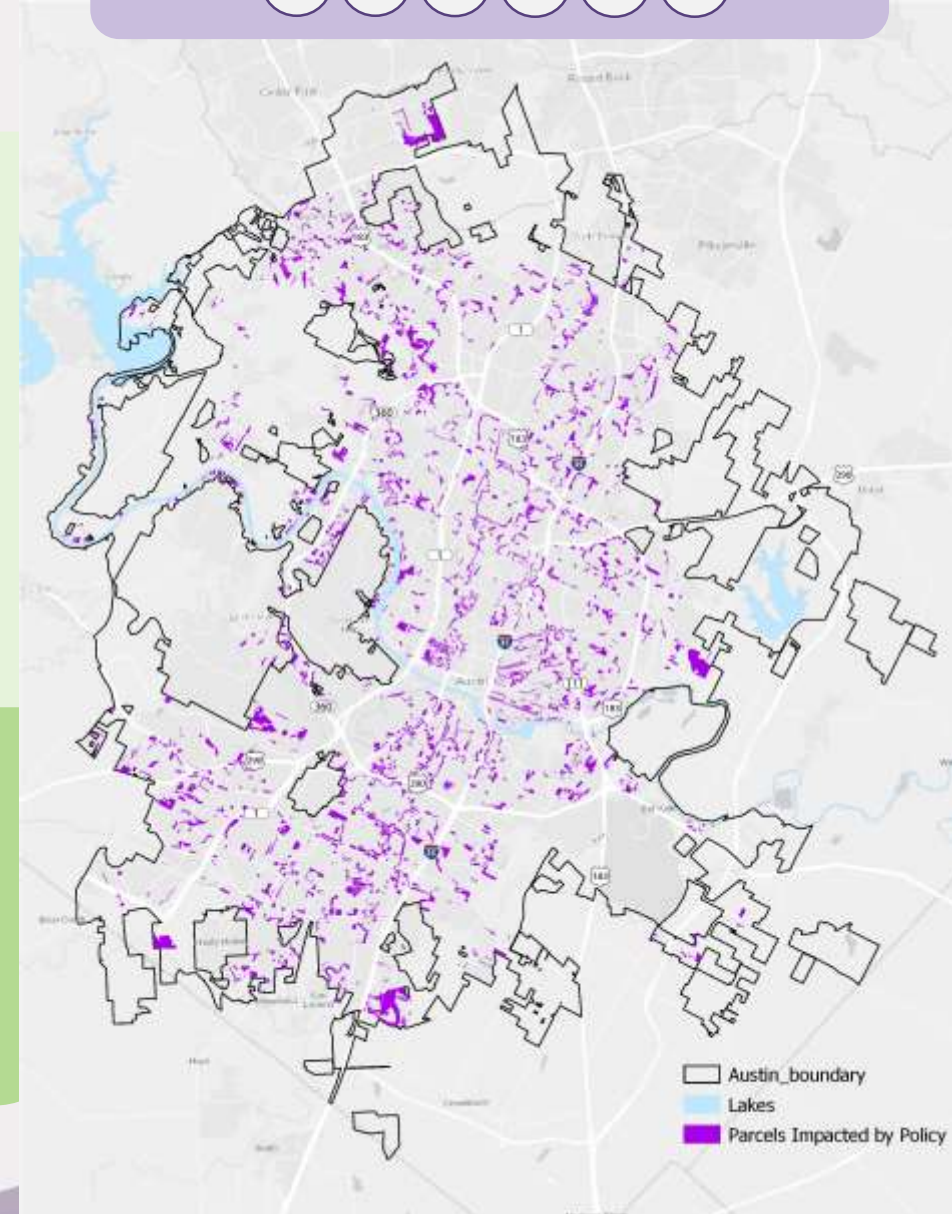
## Priority 11: Remove Single Family Compatibility Requirements (Title 23 Compatibility)

- Any redevelopment potentially impacted by compatibility is allowed to reach typical densities
- Relatively minor impact to "nearest equivalency" map
- When combined with other priorities such as #1, #3, or #4, impact of this Priority is much more pronounced

CAPACITY CHANGE  
(RELATIVE TO NEAREST EQUIVALENCY)

**+1,360**  
HOUSING UNITS

MAPPING WORKING GROUP INTEREST





# DRAFT 2 BONUSES

## Priority 12: Apply Bonuses in Draft 2 Code

- Any modeled development that has a bonus option, takes it. Represents bonus opportunity, not a forecast of bonus uptake.
- Bonuses are calculated relative to maximum base entitlements. For example, a bonus of 1 floor with a 4 floor base entitlement receives a 25% bonus.

### CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

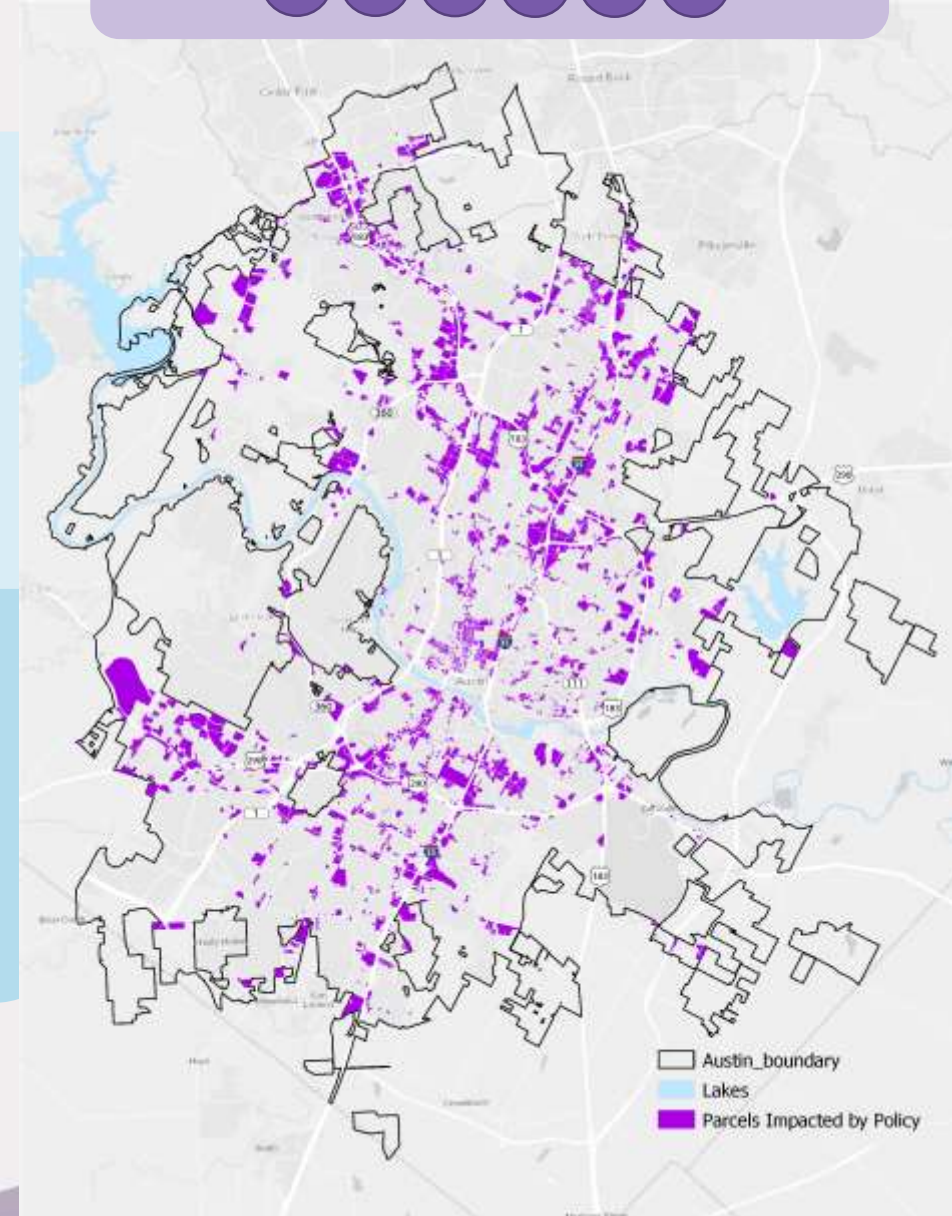
**+76,848**

TOTAL UNITS

**+949**

AFFORDABLE UNITS

### MAPPING WORKING GROUP INTEREST





P14

# MORE INTENSE BONUS ZONES

## Priority 14: Replace Less Intense Bonus Zones With More Intense Bonus Zones

- Specific RM and MU zones are upzoned to the next level of intensity
- Feasibility tests are run to estimate change in redevelopment potential
- Where bonuses apply, they are re-applied

### CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

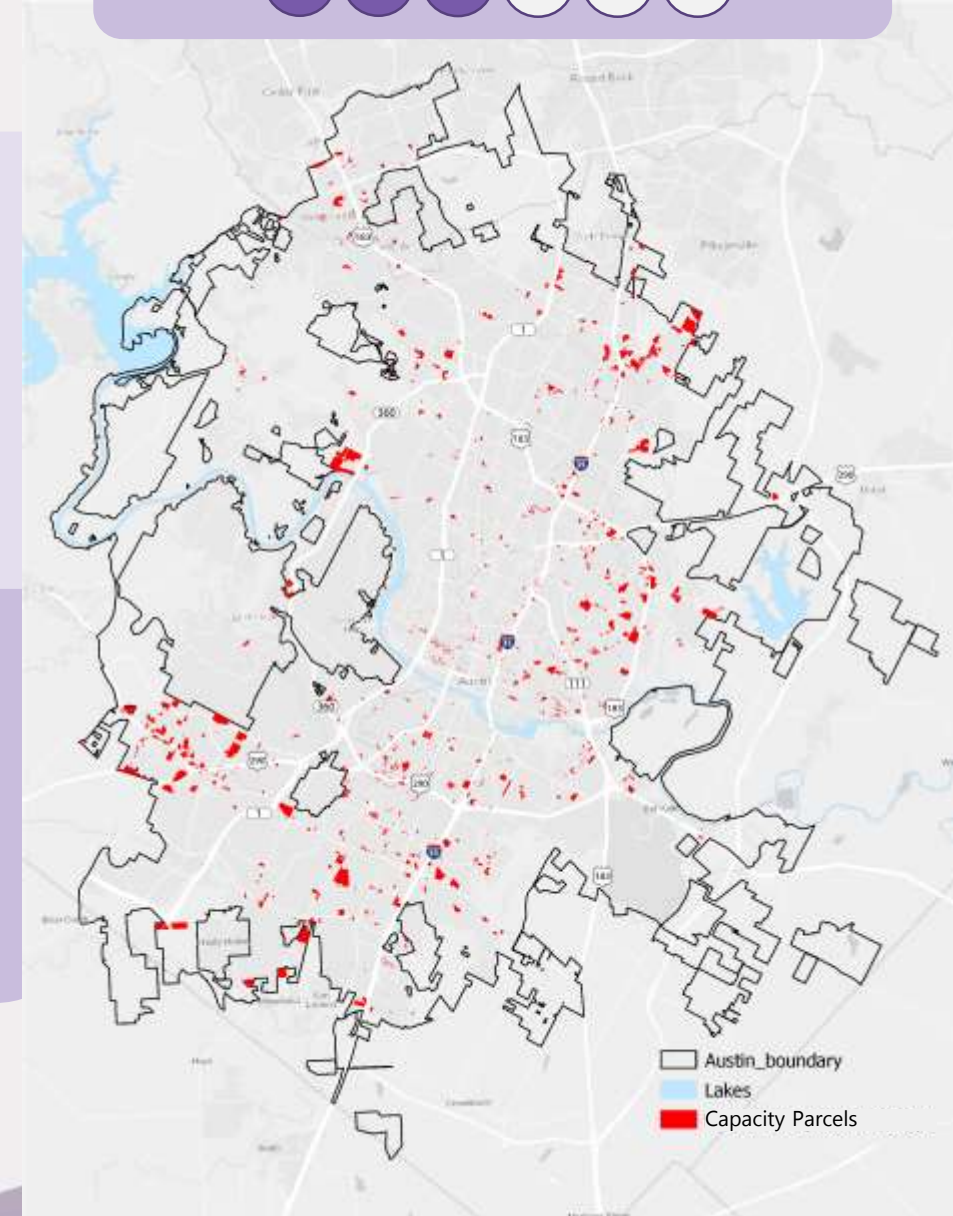
**+73,664**

TOTAL UNITS

**+1,903**

AFFORDABLE UNITS

MAPPING WORKING GROUP INTEREST





P15

# RESIDENTIAL ONLY AS A BONUS

## Priority 15: Apply Versions of MU That Mimic Existing Base Entitlements

- Applied to parcels where MU zones were painted in existing commercial zones and the parcels did not have a "v" or an "mu" in their zone string
- Assume full participation in the affordable housing bonus
- Some parcels will drop out due to relative increase in commercial feasibility compared to base and bonus residential entitlements

## CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

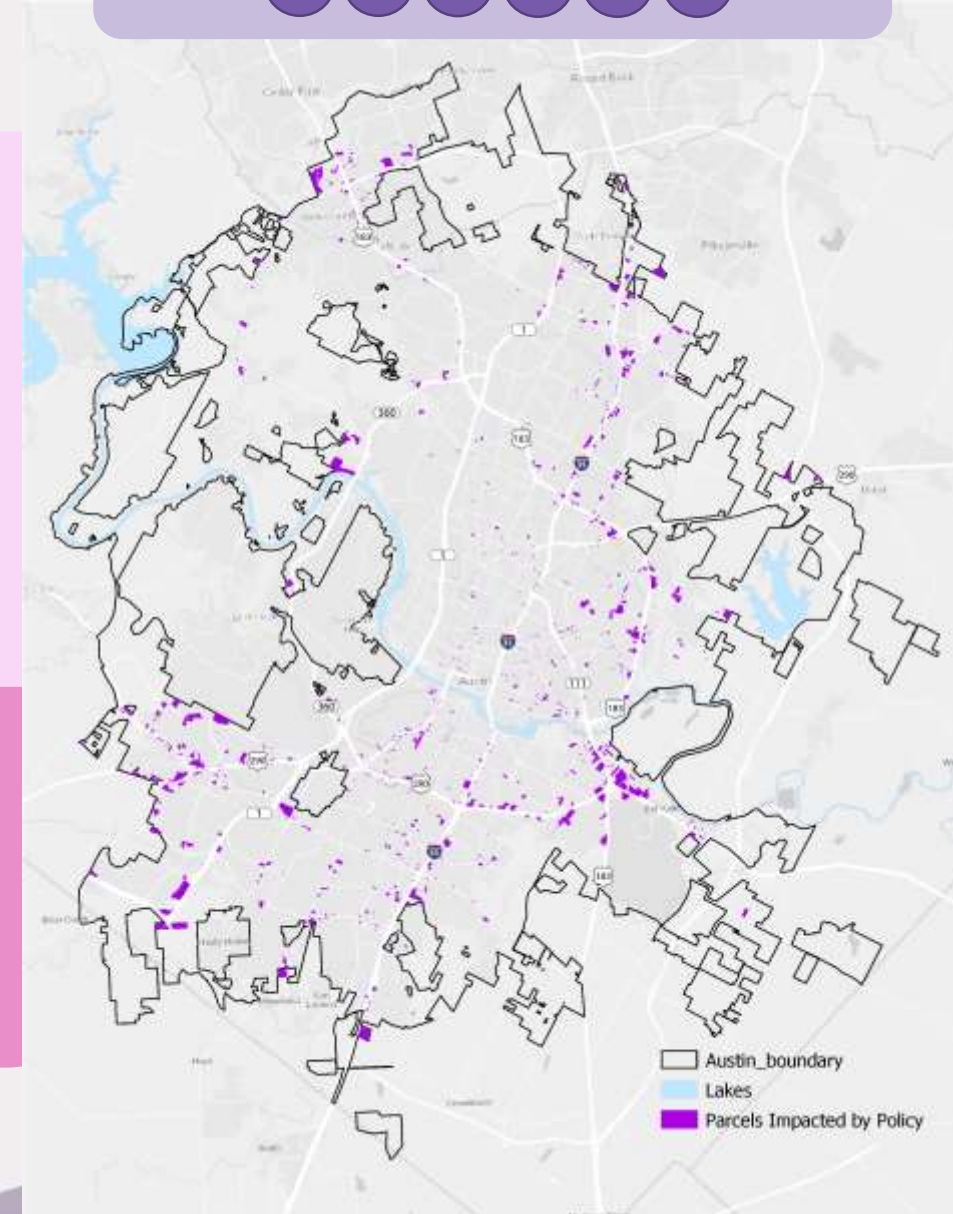
**+89,518**

TOTAL UNITS

**+13,951**

AFFORDABLE UNITS

MAPPING WORKING GROUP INTEREST





P16

# RESIDENTIAL BASE AND BONUS

## Priority 16: Apply Versions of MU That Mimic Base Entitlements of VMU

- Applied to parcels where MU zones were painted in existing commercial zones and the parcels have a "v" or an "mu" in their zone string
- Assume full participation in the affordable housing bonus
- Some parcels will drop out due to relative increase in commercial feasibility compared to base and bonus residential entitlements

## CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

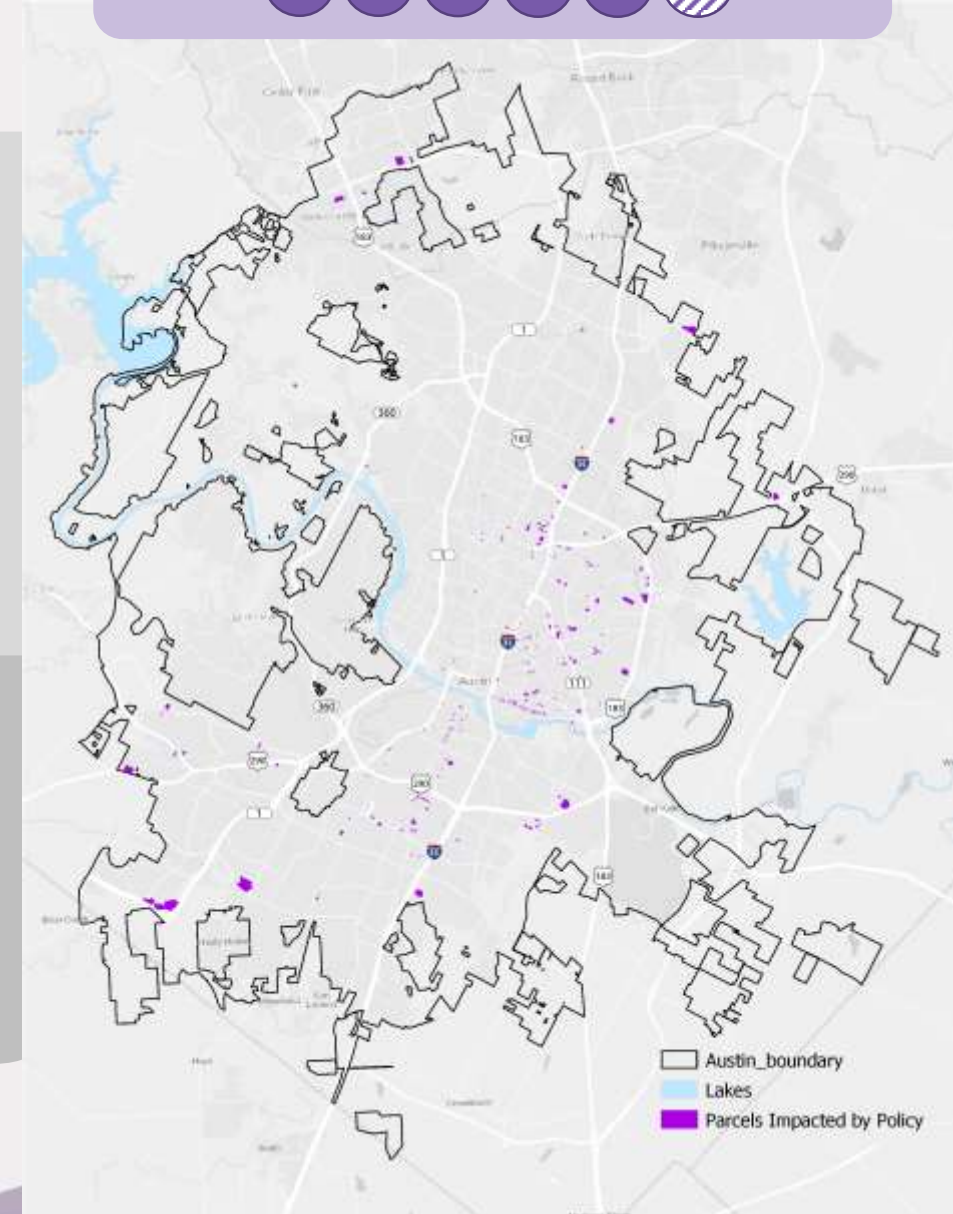
**+16,380**

TOTAL UNITS

**+2,231**

AFFORDABLE UNITS

MAPPING WORKING GROUP INTEREST





P17

# SMALL SCALE BONUS ZONES

## Priority 17: Create Bonuses for Residential Zones and Small Scale Mixed Use Zones

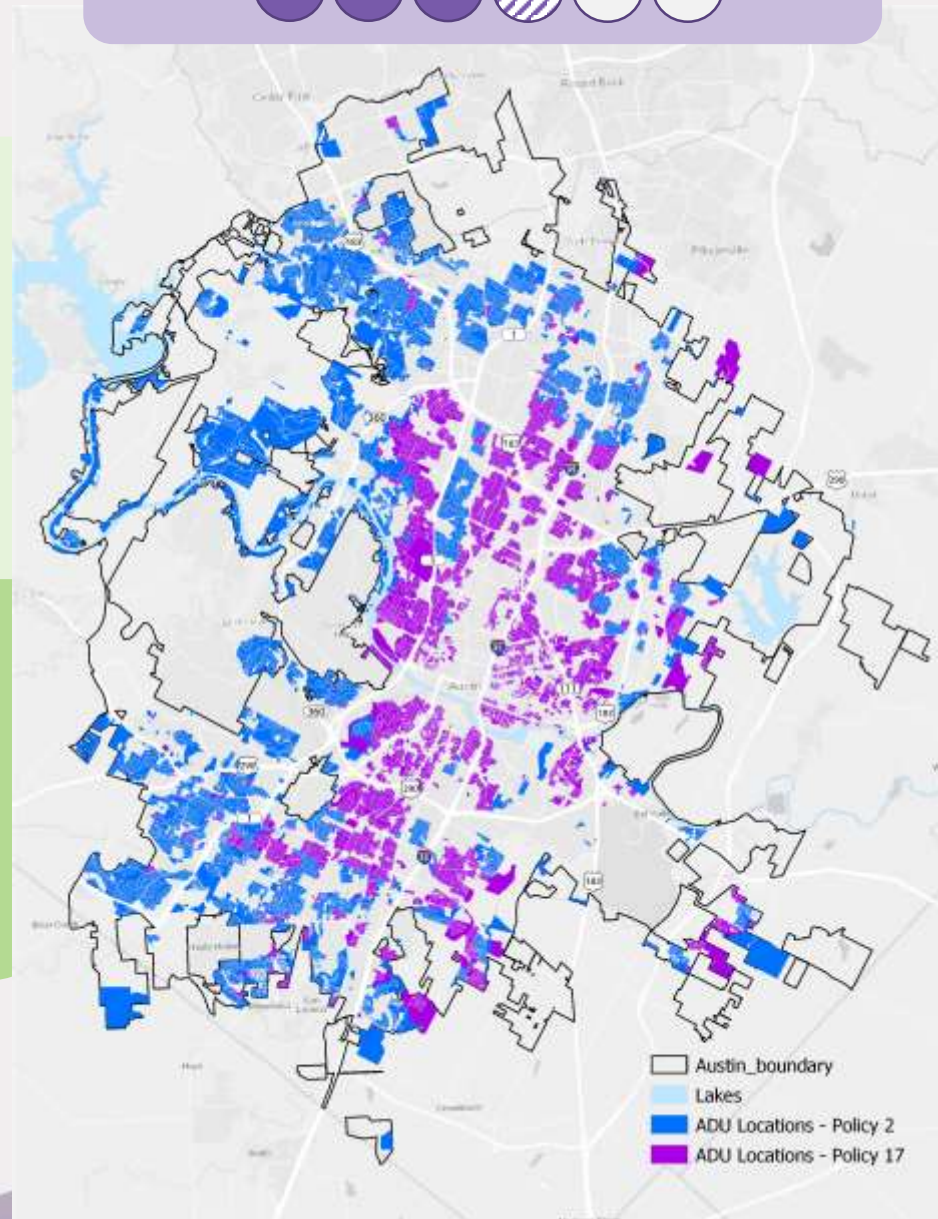
- Allow additional affordable units to be built in R1, R2, R3, R4, and MU1 zones
- Typically allows an internal and external ADU if one of the ADUs is registered as part of the CodeNEXT Citywide Affordable Housing Bonus Program

## CAPACITY CHANGE

(RELATIVE TO NEAREST EQUIVALENCY)

*Included in higher Policy 2  
ADU Production Rate*

MAPPING WORKING GROUP INTEREST





P18

# MISSING MIDDLE IN IA CENTERS

## Priority 18: Upzone to Missing Middle Densities in Imagine Austin Centers

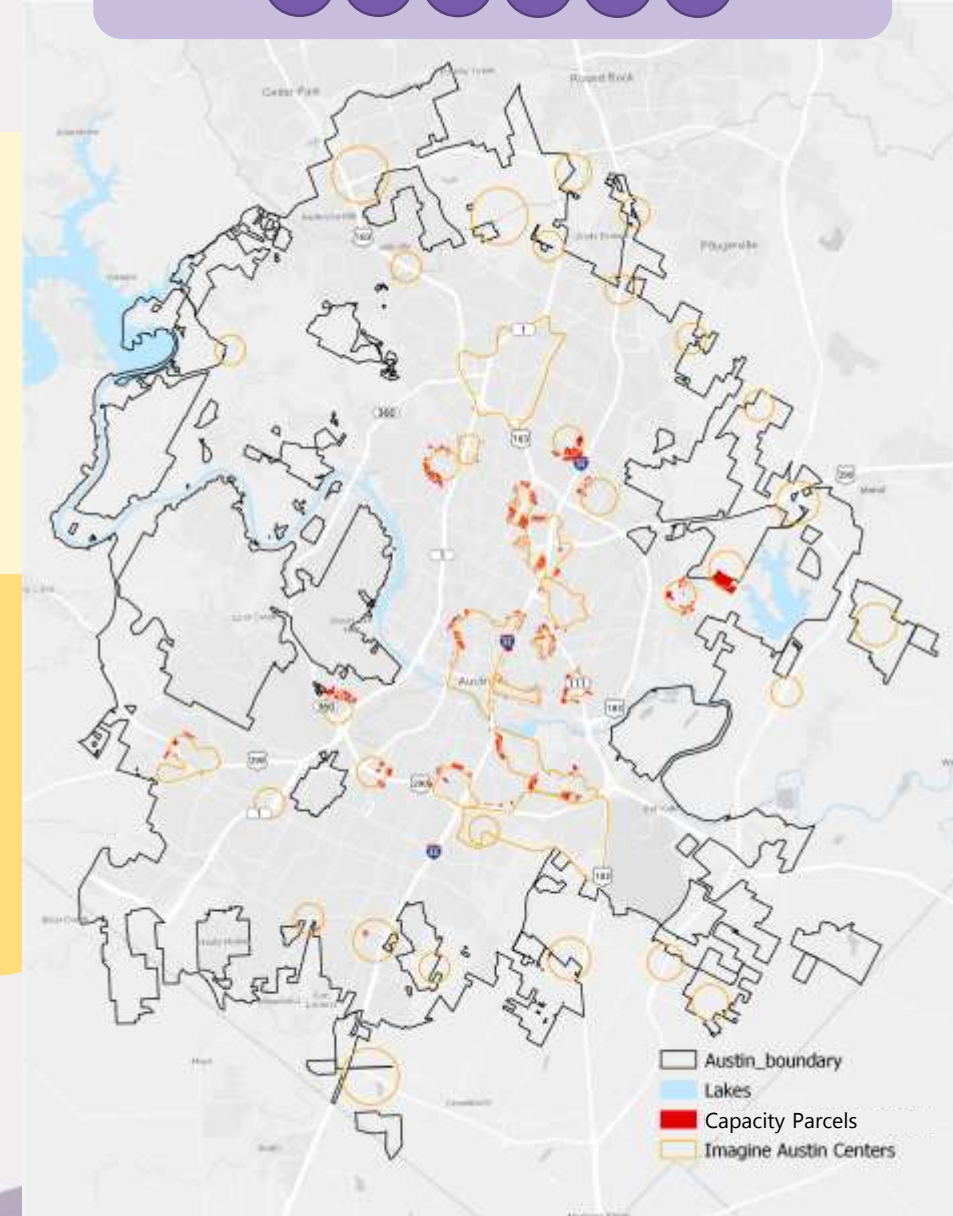
- Within 1/8 of a mile of centers, upzone R zones to R3C
- Would allow missing middle along in areas identified by Imagine Austin as priorities for growth and investment.

*Note: Upzoning to R4A adds an additional 1,800 units.*

**CAPACITY CHANGE**  
(RELATIVE TO NEAREST EQUIVALENCY)

**+7,049**  
**HOUSING UNITS**

MAPPING WORKING GROUP INTEREST





P19

# MISSING MIDDLE ALONG CORRIDORS

## Priority 19: Upzone to Missing Middle Densities in Along Major Corridors

- Within 1/8 of a mile of corridors, upzone R zones to R3C
- Would allow missing middle along in areas identified by Imagine Austin as priorities for growth and investment.

*Note: Upzoning to R4A adds an additional 5,000 units.*

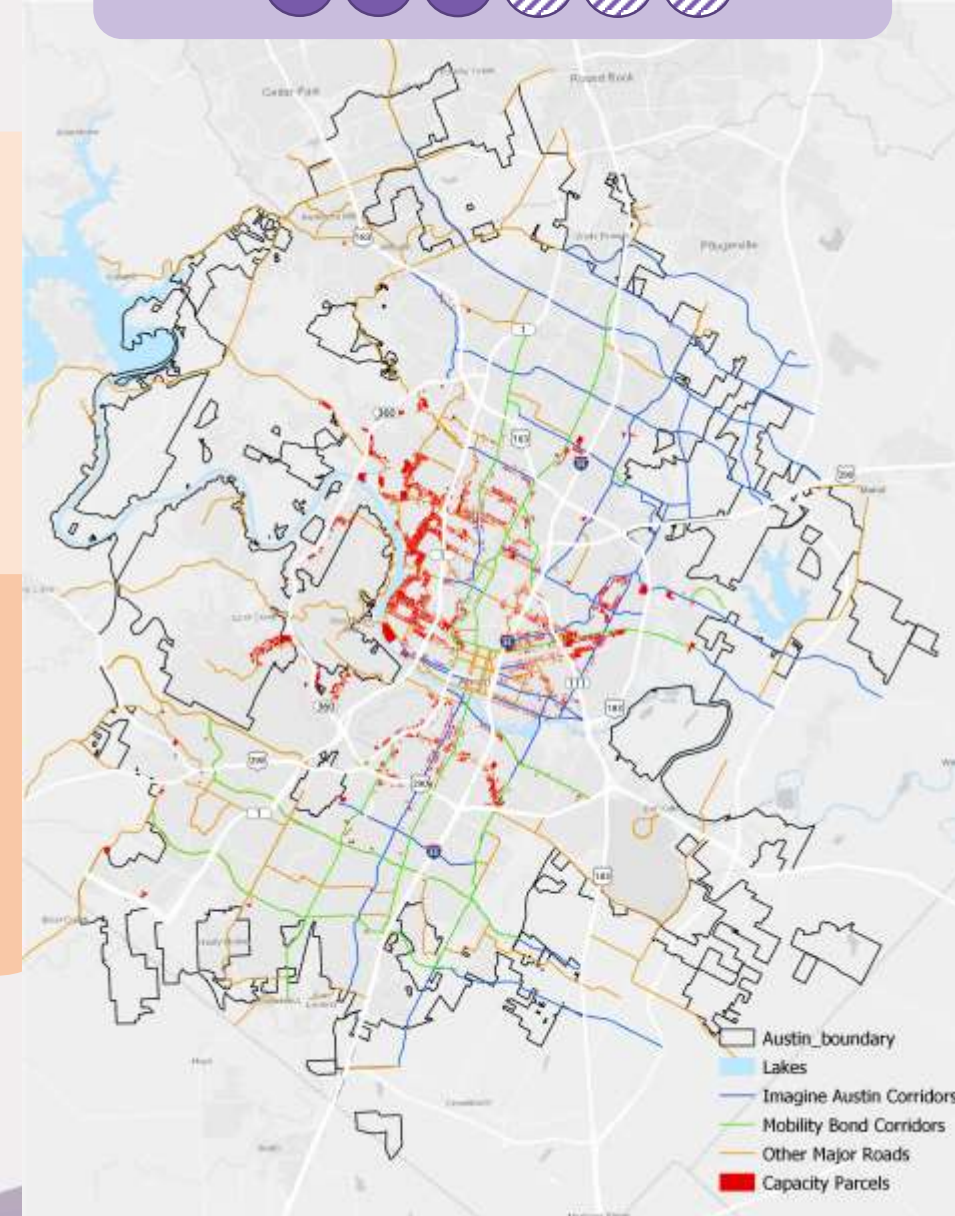
**CAPACITY CHANGE**  
(RELATIVE TO NEAREST EQUIVALENCY)

**+23,344**  
**HOUSING UNITS**

P18 AND P19 PROVIDE  
MORE CAPACITY THAN  
P9 AND P10 COMBINED



MAPPING WORKING GROUP INTEREST





# EVALUATED PRIORITY LIST

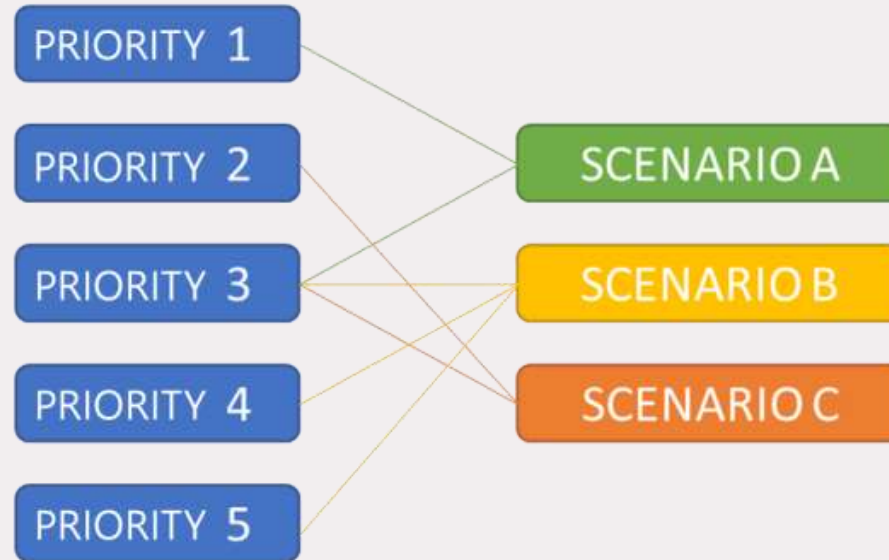
POLICY ID	DESCRIPTION	CAPACITY	MAPPING WORKING GROUP EVAL
P1	Permit Mixed Use in Commercial Zones	46,324	●●●●●●
P2	ADUs in More Locations	10,525	●●●●●○
P3a	Increase density on non-residential land in IA Centers (1/8 mile)	11,679	●●●●●●
P3b	Increase density on non-residential land in IA Centers (1/4 mile)	17,238	-----
P4	Increase density on non-residential land within 1/8 mile of major thoroughfares	39,894	●●●●●●
P5	Increase density within 1/8 mile of schools (R3C)	2,927	●●●●●●
P6	Increase density within 1/8 mile of schools (R4A)	4,313	●●●●●●
P7	Limit redevelopment of existing single family in R zones	(2,108)	○●●●●●
P8	Limit redevelopment of older multifamily properties	(3,512)	●●●●●●
P9	Encourage infill development of missing middle housing on vacant land	25,620	●●●●●●
P10	Encourage redevelopment of detached single family housing into missing middle housing	4,323	○●●●●●
P11	Remove title 23 compatibility requirements	1,360	○●●●●●
P12	Apply Draft 2 bonuses	76,848	●●●●●●
P14	Upzone to more intense zones, particularly zones with larger bonuses	73,664	●●●●●●
P15	Create new versions of some Draft 2 zones (MU/MS) so that the zones allow residential only as a bonus	89,640	●●●●●●
P16	Create new versions of some Draft 2 zones (MU/MS) to mimic the base entitlements of current VMU zones	16,380	●●●●●●
P17	Create new versions of Draft 2 small-scale zones (R1, R2, R3, R4, MU1 zones) that incorporate bonuses	10,525	●●●●●●
P18a	Missing Middle in IA Centers (R3C)	7,049	●●●●●●
P18b	Missing Middle in IA Centers (R4A)	8,805	-----
P19a	Missing Middle within 1/8 mile of major thoroughfares (R3C)	23,344	●●●●●●
P19b	Missing Middle within 1/8 mile of major thoroughfares (R4A)	28,266	-----

- Lack of interest in further discussion
- Interest with caveats
- Interest in discussing further
- Not evaluated as of 2/1/18





# GETTING TO A LIST OF PRIORITIES



Step 1:  
Test priorities  
independently



Step 2:  
Test priority  
interactions

Step 3:  
Evaluate priority  
performance



























# DRAFT 3 – A HIGH LEVEL LOOK

	NEAREST EQUIVALENCY: Current Code With Draft 2 Language	DRAFT 2	DRAFT 3: Preview Version (2/12 release)
BASE UNIT CAPACITY:	139,420	189,499	200,621
BONUS UNIT CAPACITY:	5,174	85,646	83,220
AFFORDABLE UNIT CAPACITY:	1,500	5,000	COMING SOON
TOTAL UNIT CAPACITY:	144,594	275,145	283,841





# DRAFT 3 – PRIORITY PERFORMANCE

Policy	Nearest Equiv	Draft 3	Policy	Nearest Equiv	Draft 3
Mixed-Use in Commercial			Draft 2 Bonuses		
ADUs Everywhere			Bonuses Without Residential Base		
Density on Commercial in IA Centers			Mimic VMU Bonuses		
Density on Commercial Along Corridors			Small Scale Bonuses (R1, R2, etc.)		
Increase Density Around Schools			Missing Middle in IA Centers		
Limit Redevelopment of Older Multifamily			Missing Middle Along Corridors		





# NEXT STEPS

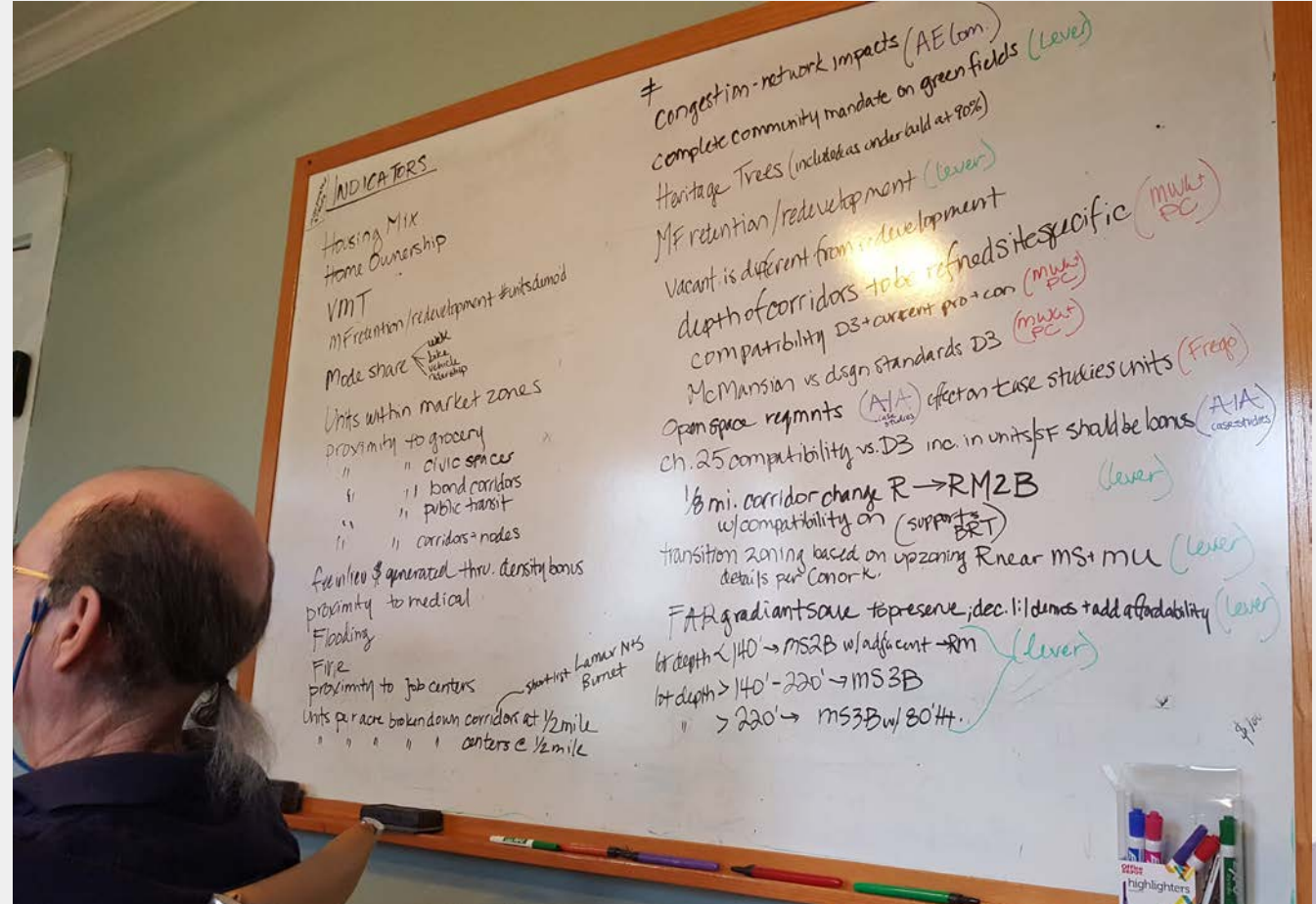
1. Draft 3 is due to be released on February 12<sup>th</sup>
2. Consultant team will produce Envision Tomorrow indicators for Draft 3.
3. PC priority evaluation can evolve as Draft 3 is studied.
4. The next round of map or text changes should address PC evaluation.
5. Mapping working group to schedule Draft 3 work sessions.





# INCORPORATING PC COMMENTS

- PC comments & recommendations analyzed with consultant assistance and translated to:
  - Indicators
  - Levers
  - Items to be passed onto other bodies
- Most feedback incorporated in some fashion but not all of it was able to be mapped





1. After Staff's presentation on April 18th the MWG decided to use D3 as the basis for our map.
2. During that meeting it became clear that D3 takes more of the on the ground realities of today's zoning into consideration than the equivalency did.
3. The additional aspects of D3 were policies taken from Imagine Austin and recent Council directives.
4. These policies aligned with the policy recommendations from PC:
  - Park and conservation zoning
  - Affordability in new mixed use (-A)
  - Density along corridors
  - More permissive of ADUs





# ROOM FOR IMPROVEMENT

Where is the room for improvement over D3?

1. Missing Middle

2. Mode Split

3. Affordable Housing Bonus

4. Corridor density

- More equitable dispersion throughout all major thoroughfares

Total housing capacity

Total housing capacity in very high, high and moderate opportunity areas:

Very high  
High  
Moderate

Total bonus housing unit capacity and income-restricted units

Bonus Income-restricted

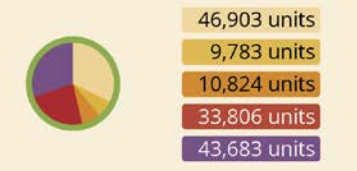
Total capacity within urban core vs. outside urban core

Within urban core  
Outside urban core

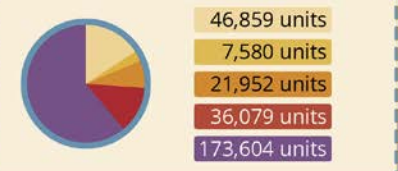
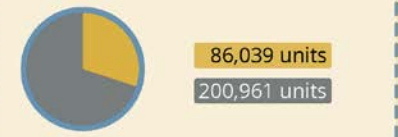
Total capacity housing mix

Single family large and std  
Single family medium  
Single family small  
Townhouses  
Multi family

Nearest Equivalency Land Development Code



CodeNEXT Draft 3





# WHY CREATE A MWG SCENARIO?

1. This will give the PC another version to consider in our final recommendation
2. It allows us to take a closer look at some of the ideas and recommendations from PC
  - Analyze the indicators & vet specific policies
3. Allowed us to explore major thoroughfares West of Mo-Pac
4. It gives us more data to consider in our deliberation





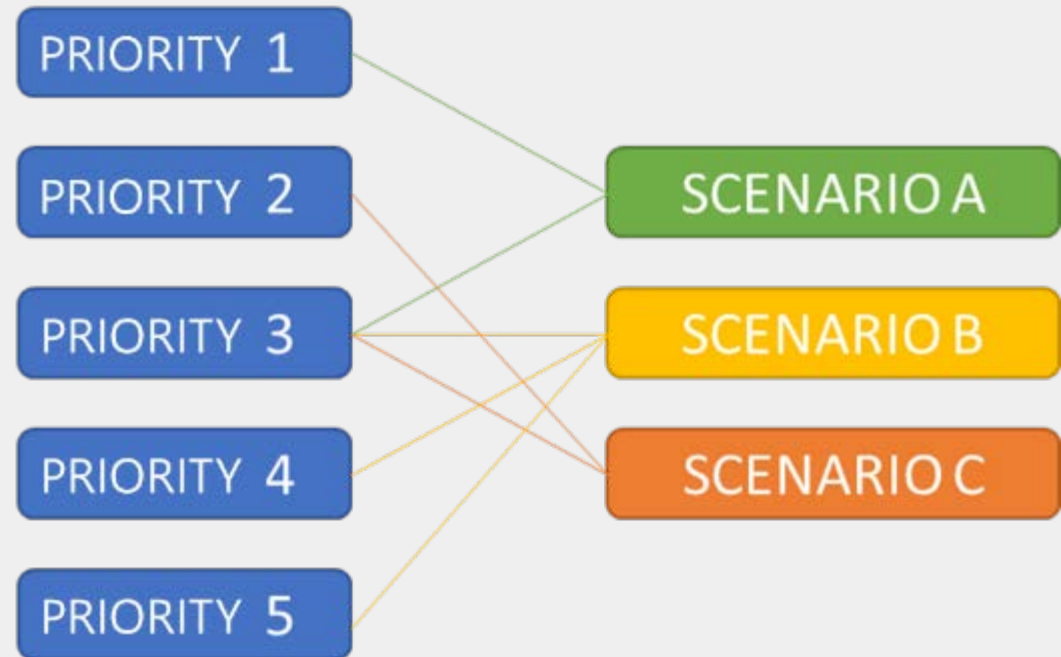
# HOW SHOULD THIS BE USED BY PC GOING FORWARD?

1. This is more food for thought!
2. We hope that this gives the PC a chance to have a conversation about...
  - Whether these policies are worth pursuing
  - How to incorporate these policies
    - a) through our mapping recommendation to Council or
    - b) through future planning efforts





# SCENARIOS MADE OF PRIORITIES THAT WE CAN TURN OFF AND ON





# SCENARIOS ARE CRASH TEST DUMMIES

11





# IMPORTANT DISTINCTIONS

- Priority Levers Scenarios are “crash test dummies” – NOT Zoning Map Proposals
- Designed to be distinctive – NOT subtle or refined
- Illustrate and quantify directional impacts – NOT accurate or representative the nuance if applied in practice

*“Humans are underrated”*

*-Elon Musk*





# SCENARIOS ALLOW US TO EVALUATE THE DRAFT MAP

POLICY 1: ALLOW MIXED  
USE IN COMMERCIAL  
ZONES

POLICY 2: ADUs  
EVERYWHERE

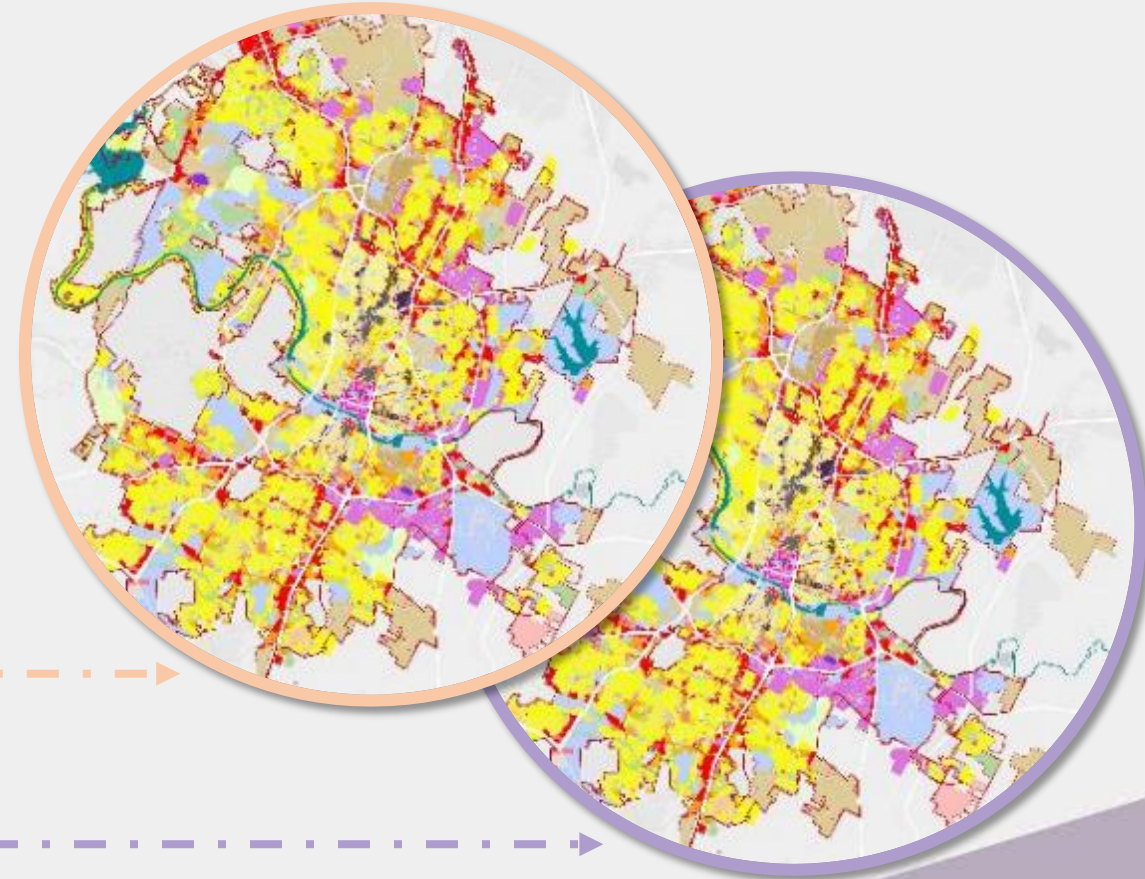
POLICY 3: INCREASE  
ENTITLEMENTS IN IA  
CENTERS

POLICY 4: INCREASE  
ENTITLEMENTS ON  
CORRIDORS

Nearest  
Equivalency



"Draft 3"



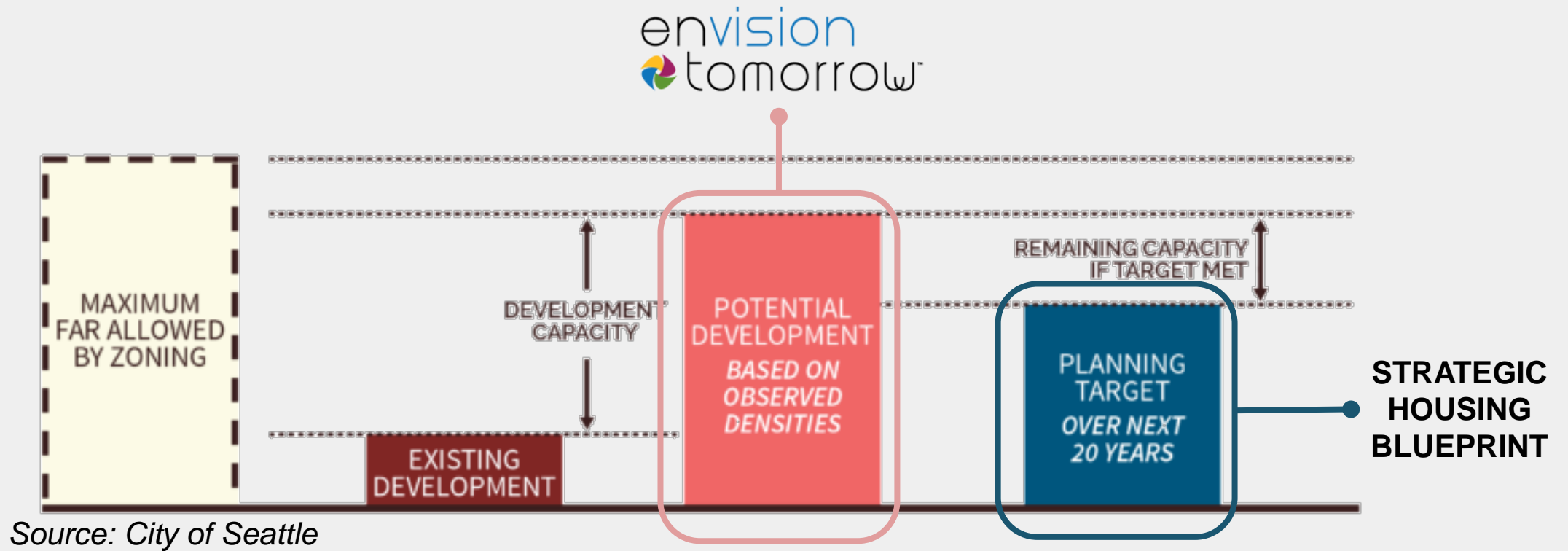
FOR ILLUSTRATIVE PURPOSES ONLY



CODENEXT



# HOUSING CAPACITY



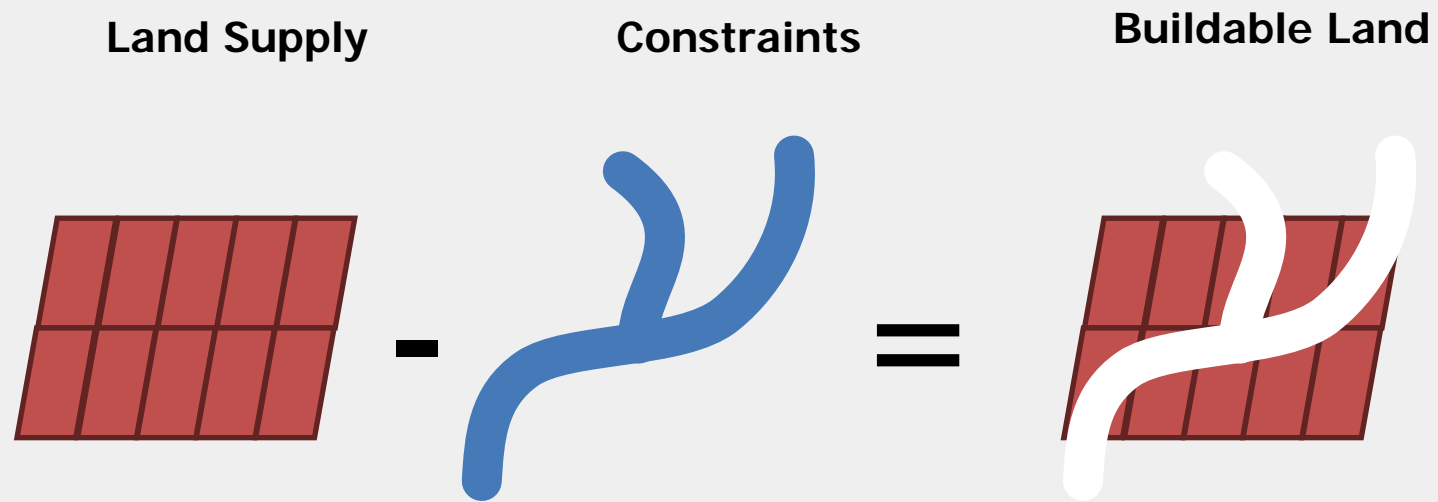
CAPACITY FORECAST  $\neq$   
CAPACITY FORECAST  $= 2x$   
(OR MORE)





# CONSTRUCT BUILDABLE LANDS LAYER

Buildable Lands =  
Land Supply – Constraints (Environmental & Policy)



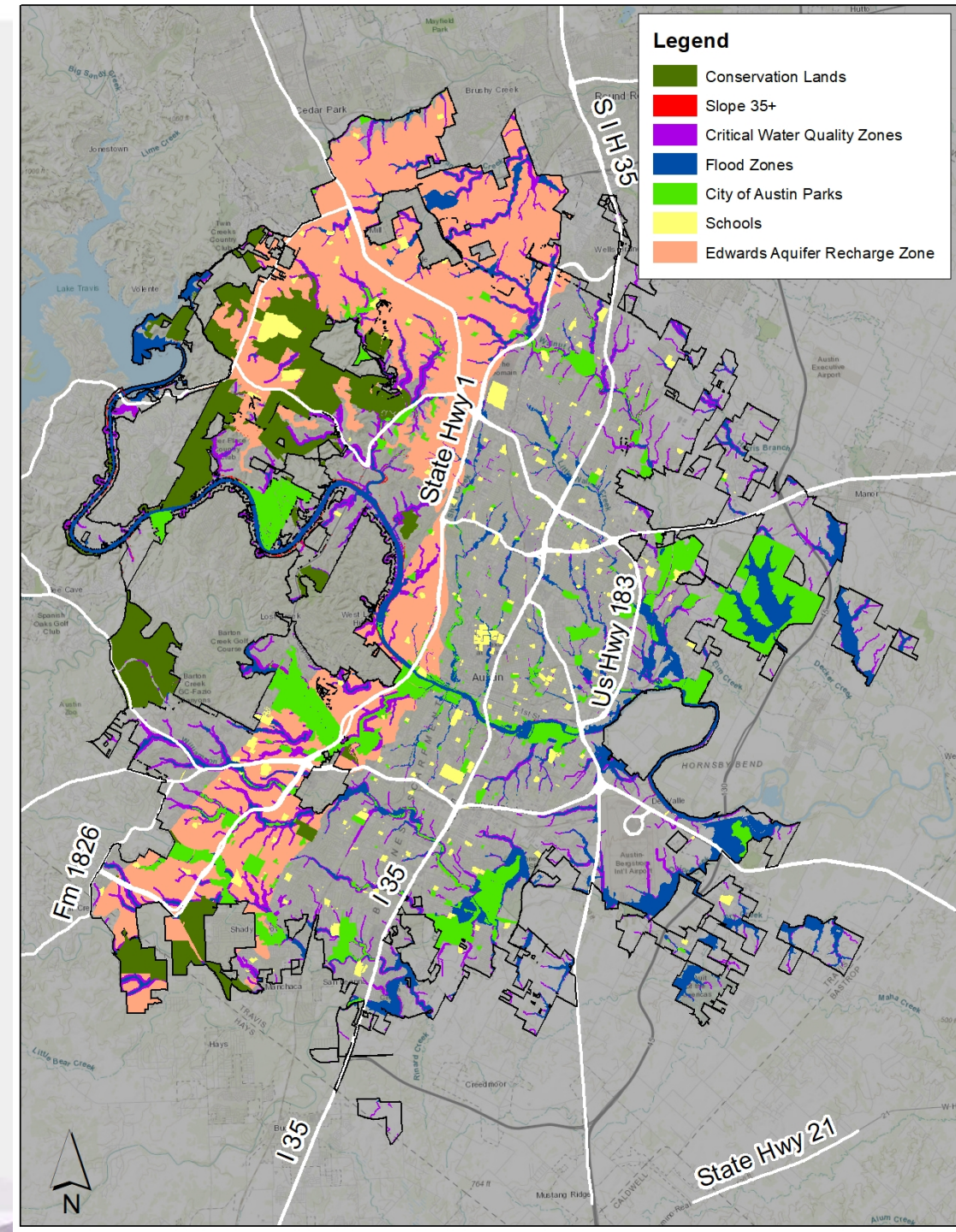


# Hard Constraints

- Steep Slopes
- Critical Water Quality Zones
- FEMA Flood Zones
- City of Austin Parks
- Educational Institutions
- Zoned Conservation Land

# Soft Constraints

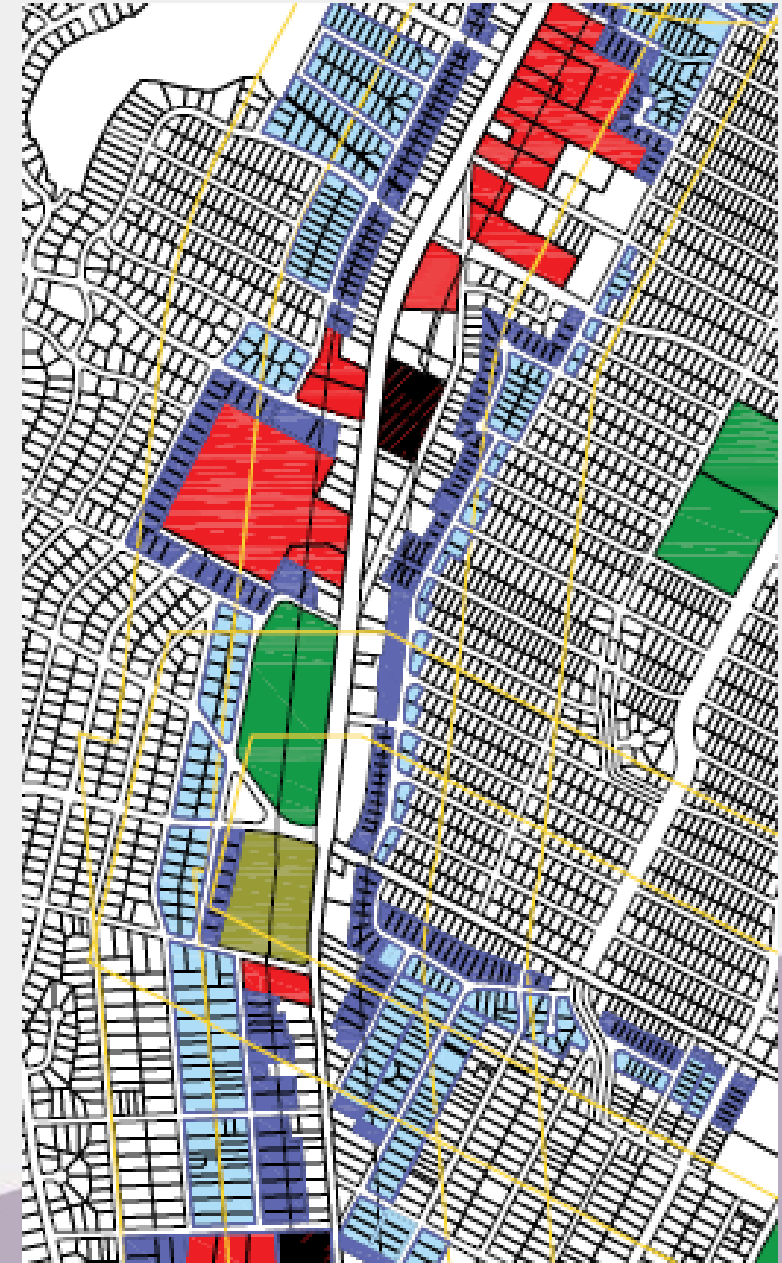
- Edwards Aquifer Recharge Zone





# MWG STRATEGIES: TRANSITION ZONES

1. RM1C applied to parcels adjacent to any MU2+ or MS2+ along specific corridors
2. Missing middle applied to residential parcels fronting certain corridors
3. Some MS zones re-mapped to higher intensity based on lot depth





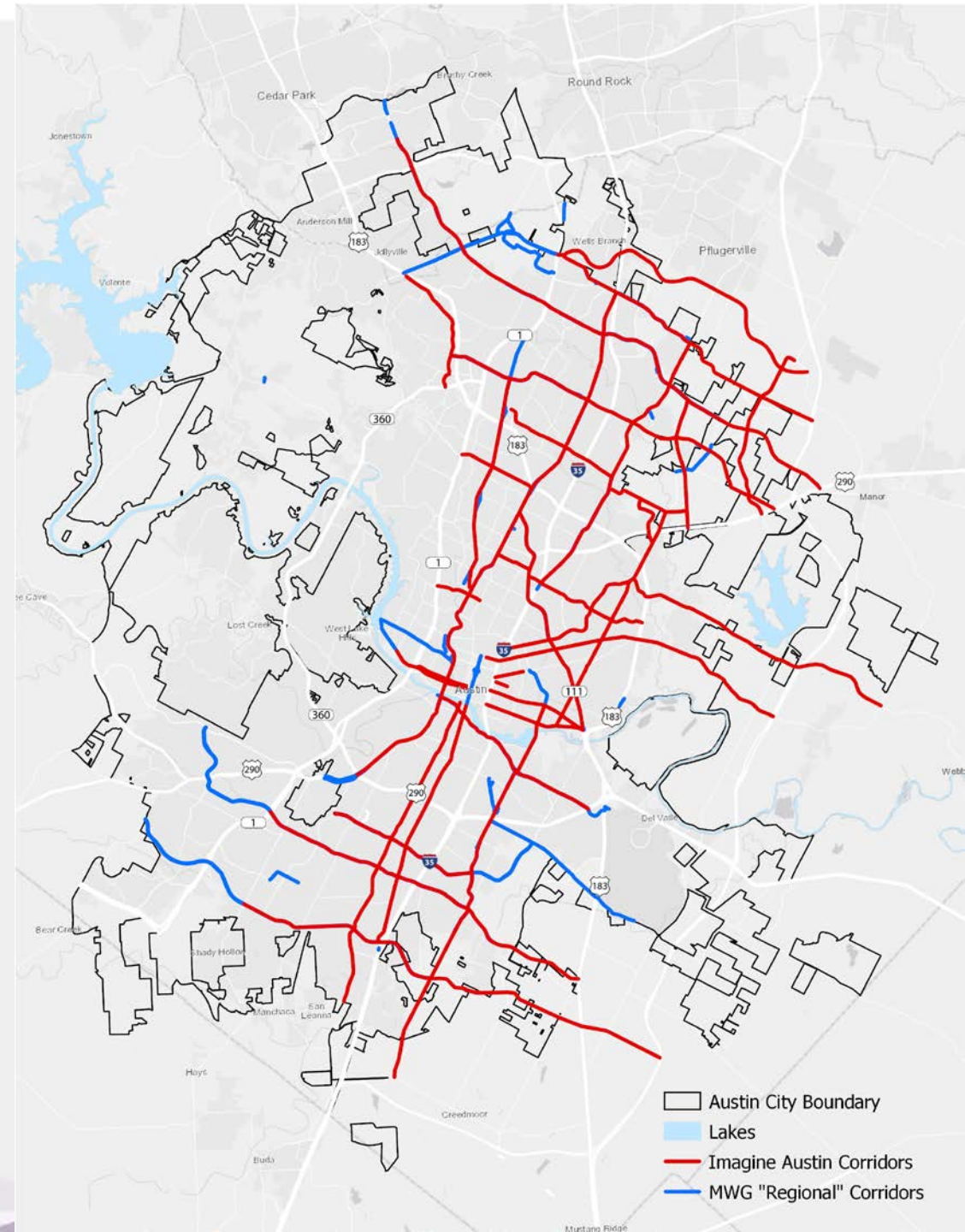
# MWG:TRANSITION ZONES





# ADDITIONAL STRATEGIES

1. "Regional Corridors" to add to IA Corridors as a way to apply transitions
2. Larger bonus entitlements for some zones
3. More intense MS zones





# MWG SCENARIO:

Baseline Draft 3: **202,731**

Lever 1: Mixed Use in Commercial: **203,137** | 0 (+406 / +0)

Lever 2: Density in IA Centers: **212,827** | 0 (+9,690 / +0)

Lever 3: Missing Middle in IA Centers: **221,821** | 0 (+8,994 / +0)

Lever 4: Density along Major Corridors: **254,651** | 0 (+32,830 / +0)

Lever 5: Missing Middle along Major Corridors: **263,100** | 0 (+8,449 / +0)

Lever 6: Transition Zones along Major Corridors: **271,592** | 0 (+8,492 / +0)

Lever 7: MS Re-Map along Major Corridors: **273,553** | 0 (+1,961 / +0)

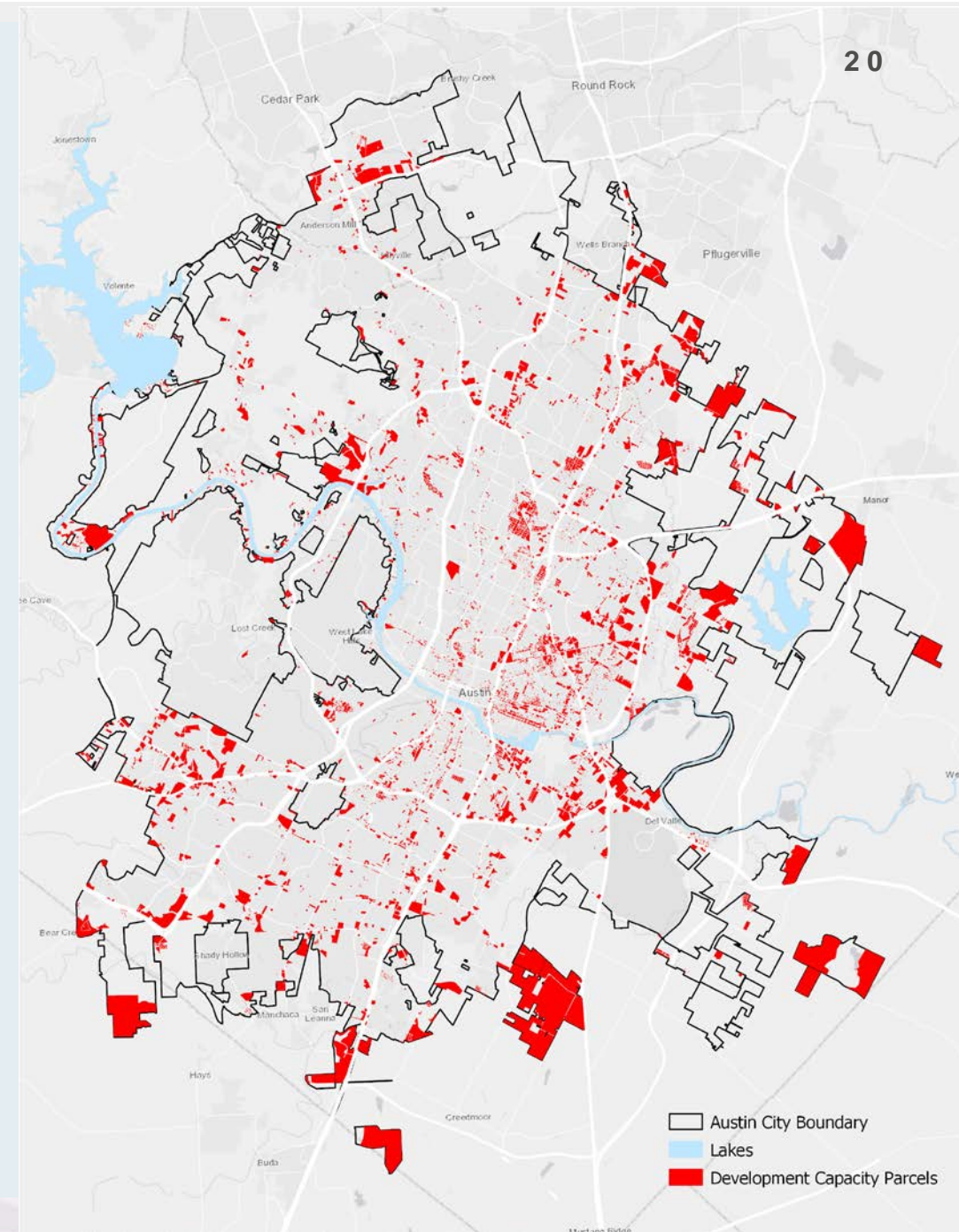
Lever 8: Limit Redevelopment of Existing Multifamily: **264,582** | 0 (-8,970 / +0)

Lever 9: Apply Title 23 Compatibility: **258,492** | 0 (-6,091 / +0)

Lever 10: Apply Draft 3 Bonuses: **543,520** | 9,165 (+285,028 / +9,165)

Lever 11: Apply Draft 3 “-A” Zones: **543,520** | 13,407 (0 / +4,242)

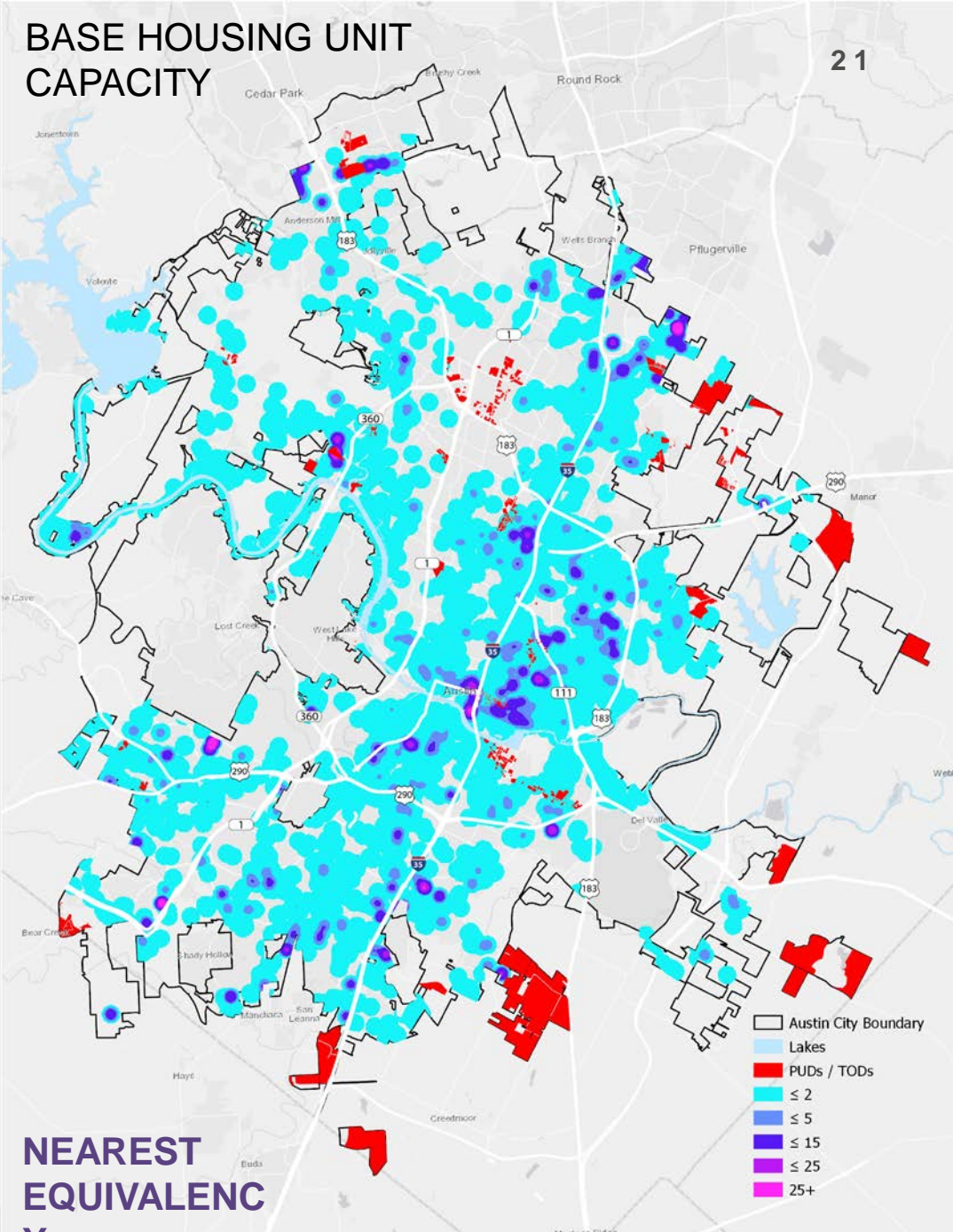
TOTAL HOUSING UNIT CAPACITY  
TOTAL AFFORDABLE UNIT CAPACITY  
NEGATIVE CHANGE IN TOTAL CAPACITY  
POSITIVE CHANGE IN TOTAL CAPACITY  
CHANGE IN AFFORDABLE UNIT CAPACITY





# DRAFT 3: A HIGH LEVEL LOOK

	NEAREST EQUIVALENCY	DRAFT 3	MWG SCENARIO
BASE UNIT CAPACITY:	140,000	160,000	190,000
BONUS UNIT CAPACITY:	5,000	127,000	350,000
AFFORDABLE UNIT CAPACITY:	1,500	6,500	13,500
TOTAL UNIT CAPACITY:	145,000	287,000	540,000



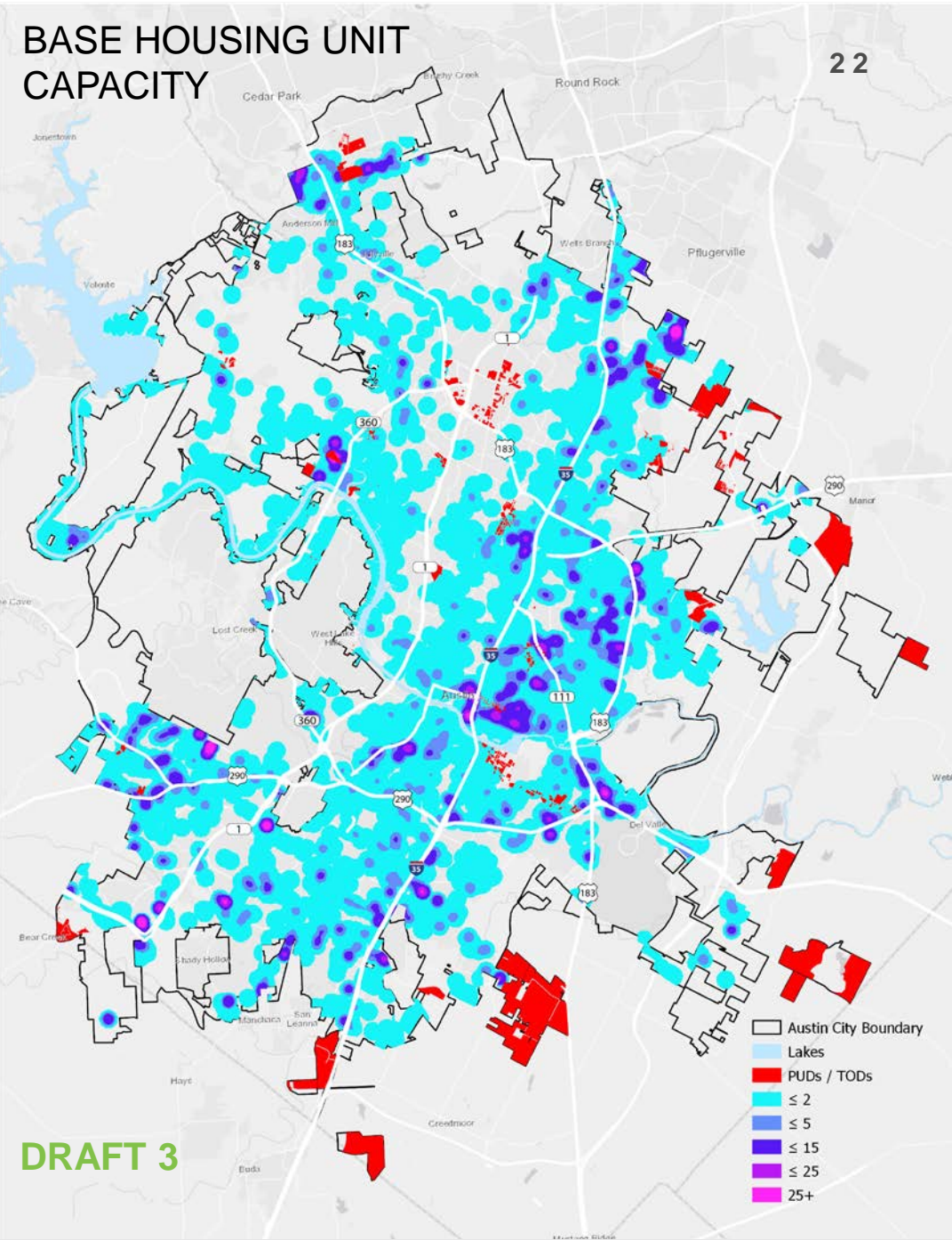


# DRAFT 3: A HIGH LEVEL LOOK

	NEAREST EQUIVALENCY	DRAFT 3	MWG SCENARIO
BASE UNIT CAPACITY:	140,000	160,000	190,000
BONUS UNIT CAPACITY:	5,000	127,000	350,000
AFFORDABLE UNIT CAPACITY:	1,500	6,500	13,500
TOTAL UNIT CAPACITY:	145,000	287,000	540,000



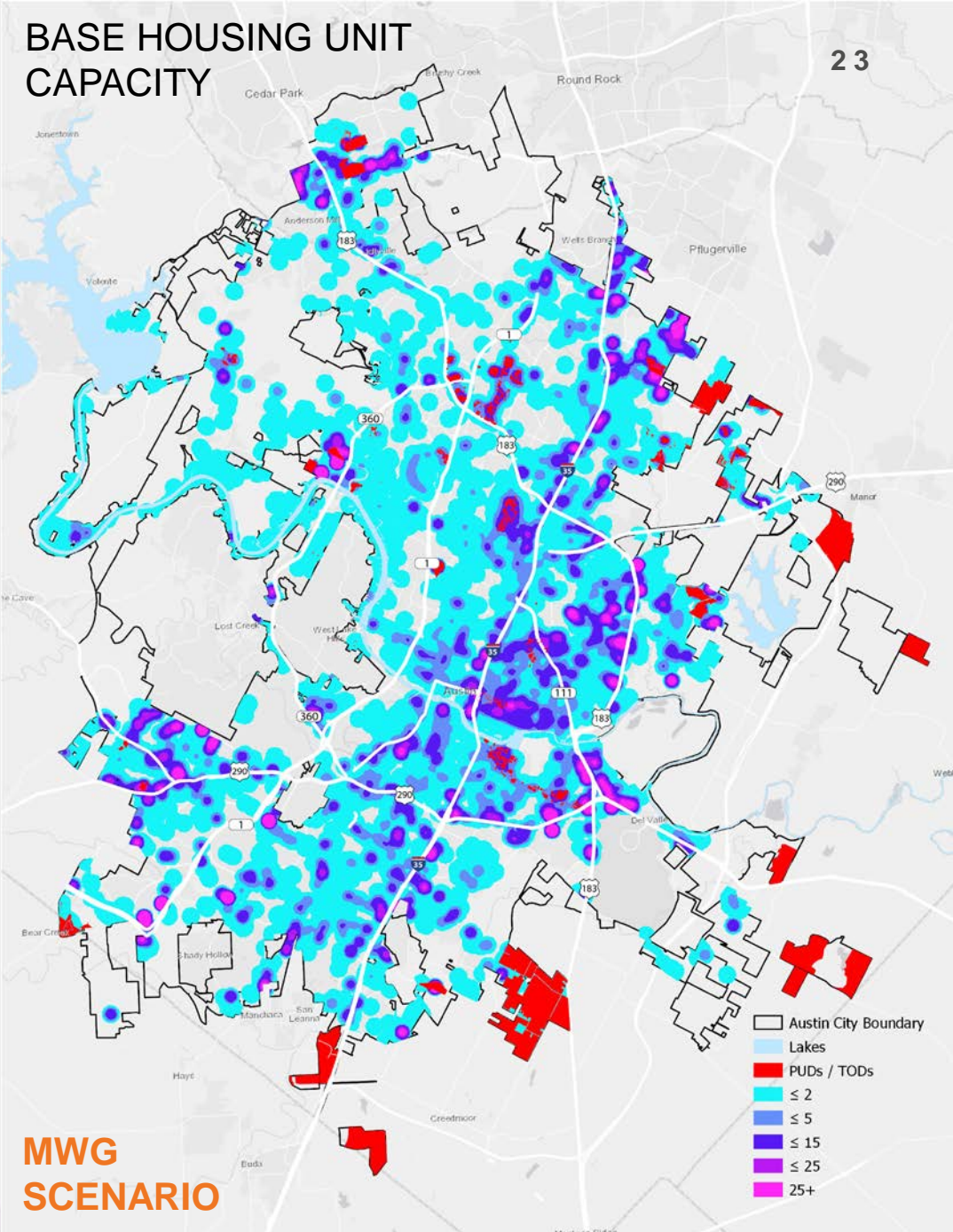
## BASE HOUSING UNIT CAPACITY





# DRAFT 3: A HIGH LEVEL LOOK

	NEAREST EQUIVALENCY	DRAFT 3	MWG SCENARIO
BASE UNIT CAPACITY:	140,000	160,000	190,000
BONUS UNIT CAPACITY:	5,000	127,000	350,000
AFFORDABLE UNIT CAPACITY:	1,500	6,500	13,500
TOTAL UNIT CAPACITY:	145,000	287,000	540,000





THRIVING

Healthy  
Austin



Creative  
Economy



## COMPLETE COMMUNITIES

Compact &  
Connected



**IMAGINEAUSTON**  
Vibrant. Livable. Connected.

Workforce    Affordability




## PATHS TO PROSPERITY

Water



Environment



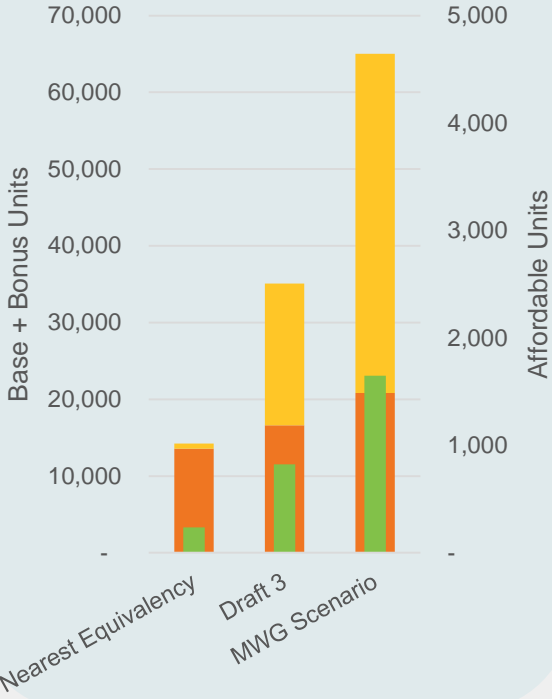
NATURE INTO CITY



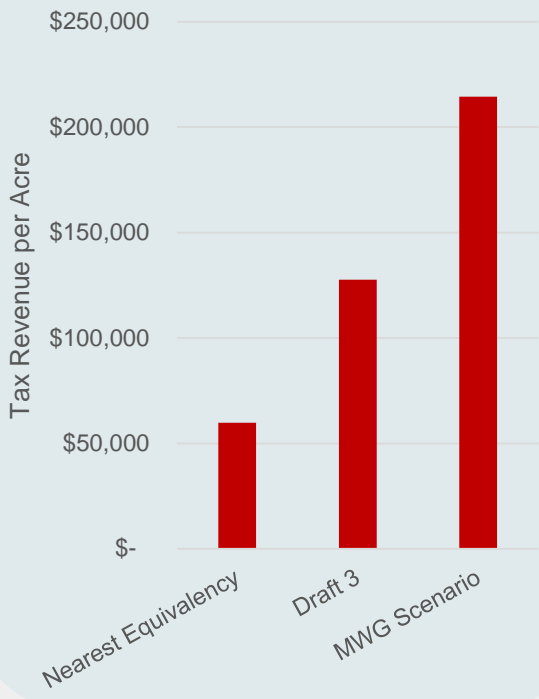


# THRIVING AUSTIN

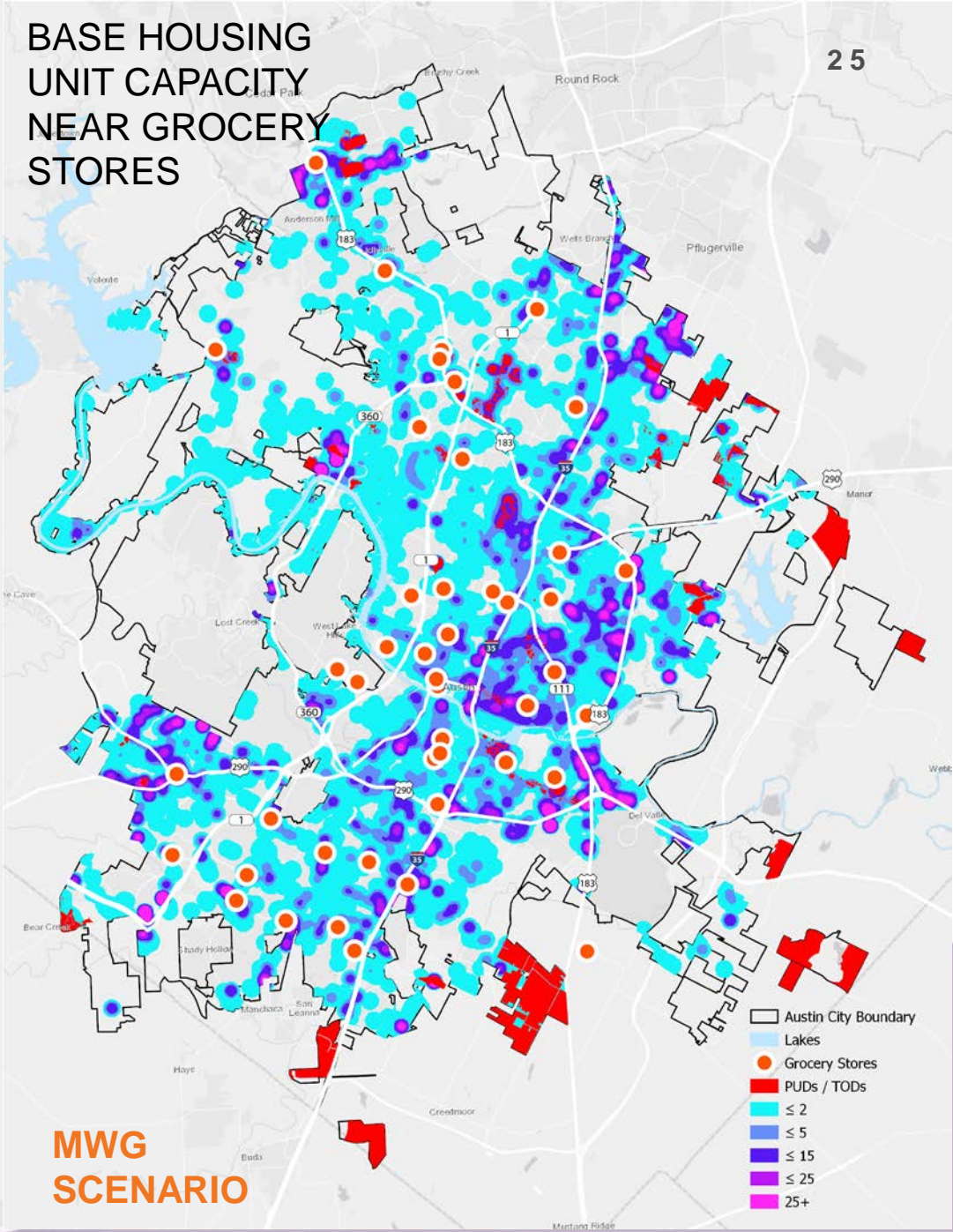
Housing unit capacity within 1/2 mile of grocery stores



Tax Revenue Capacity per Acre

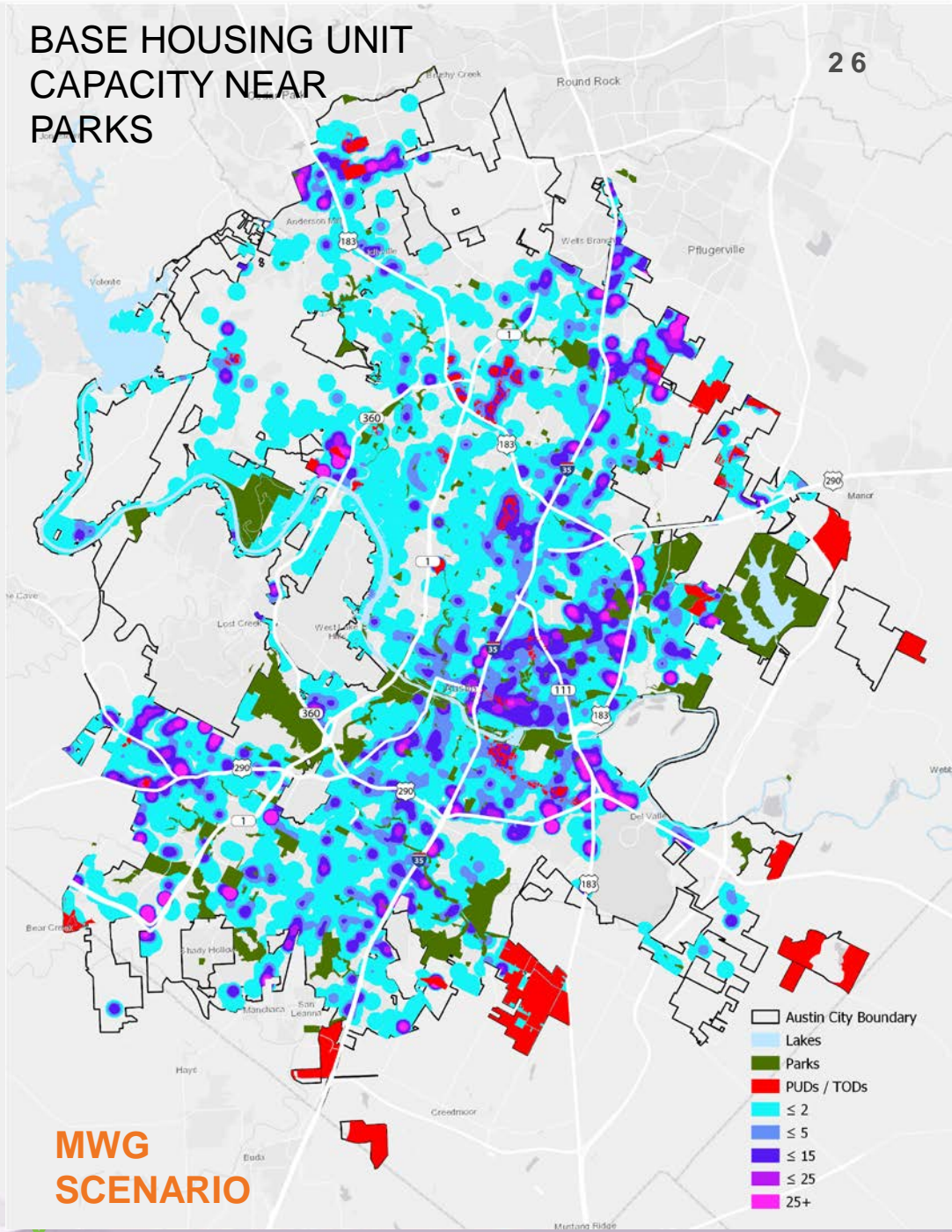
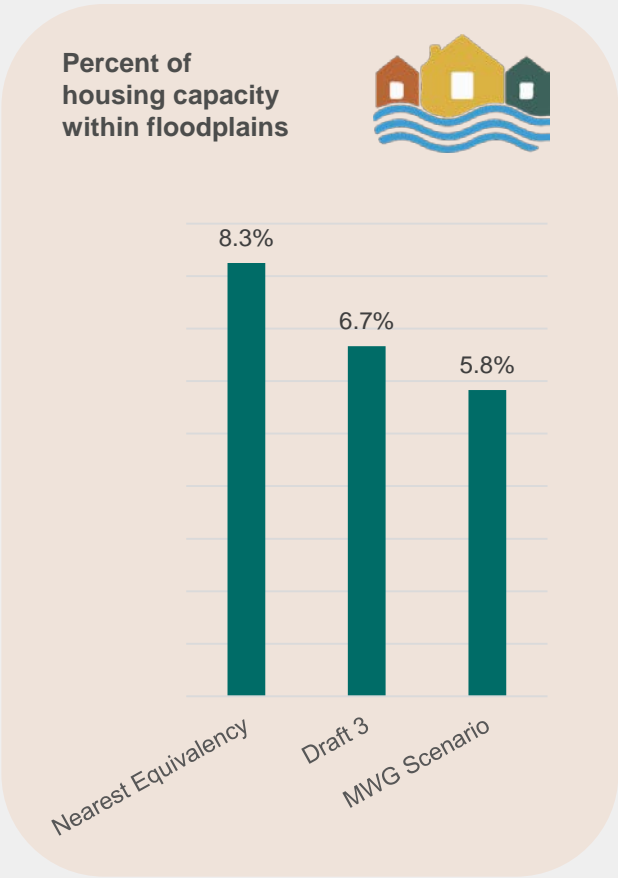
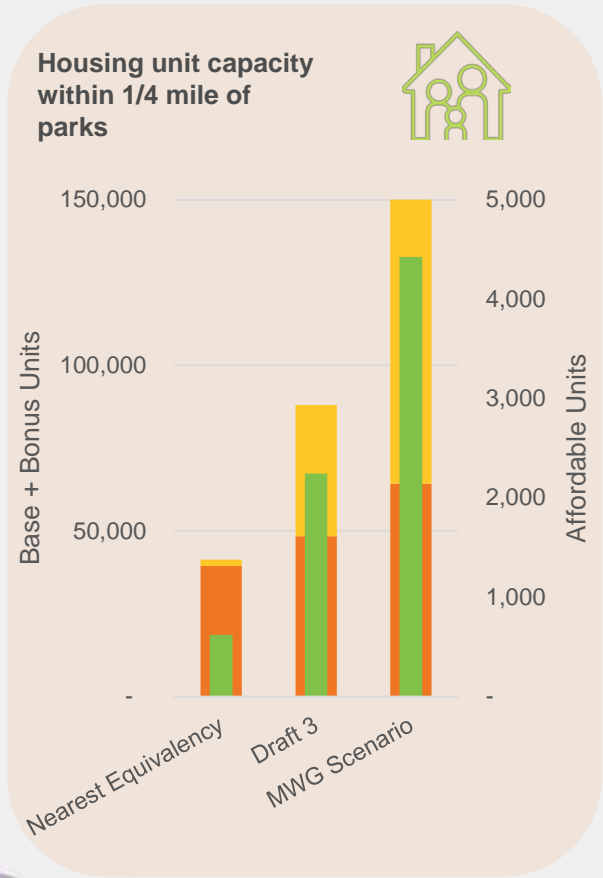


## BASE HOUSING UNIT CAPACITY NEAR GROCERY STORES





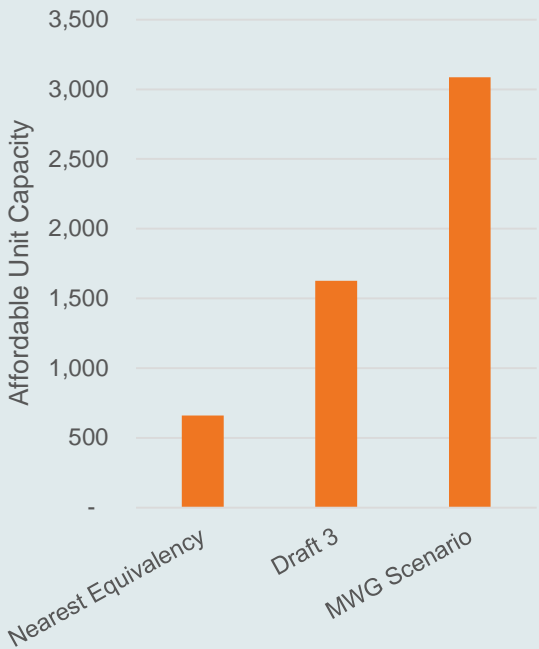
# NATURE IN THE CITY



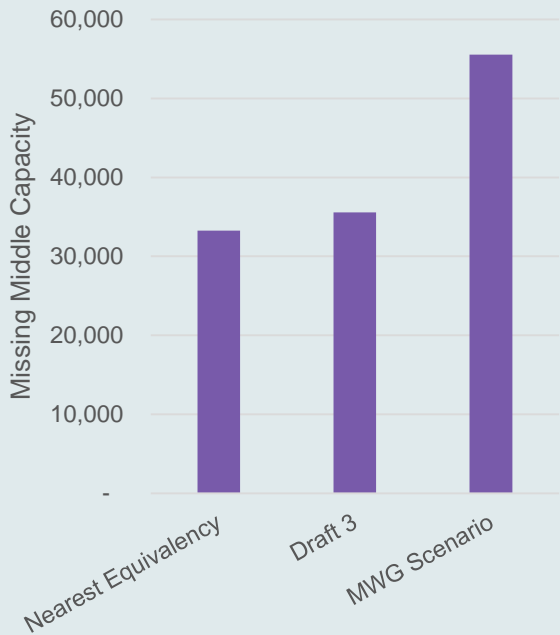


# PATHS TO PROSPERITY

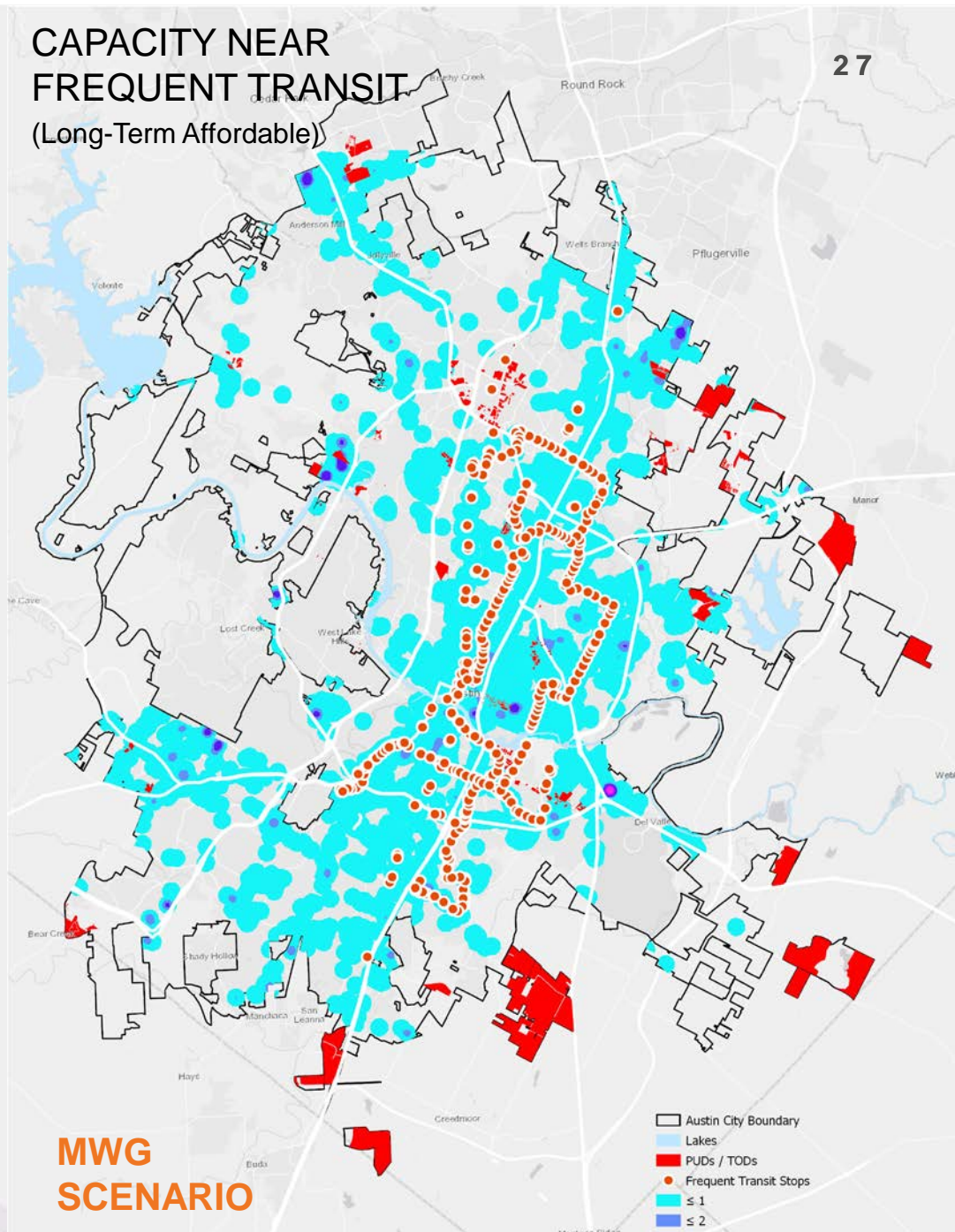
Affordable Unit Capacity  
within 1/2 mile of frequent  
transit



Total Capacity for new  
Missing Middle housing:



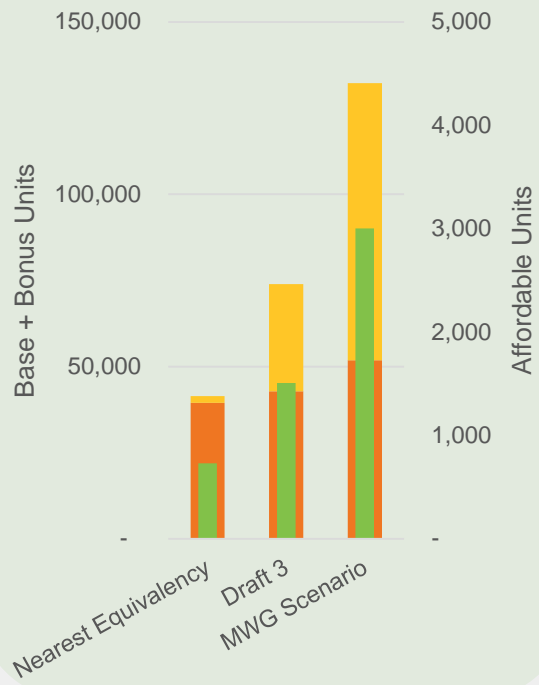
## CAPACITY NEAR FREQUENT TRANSIT (Long-Term Affordable)



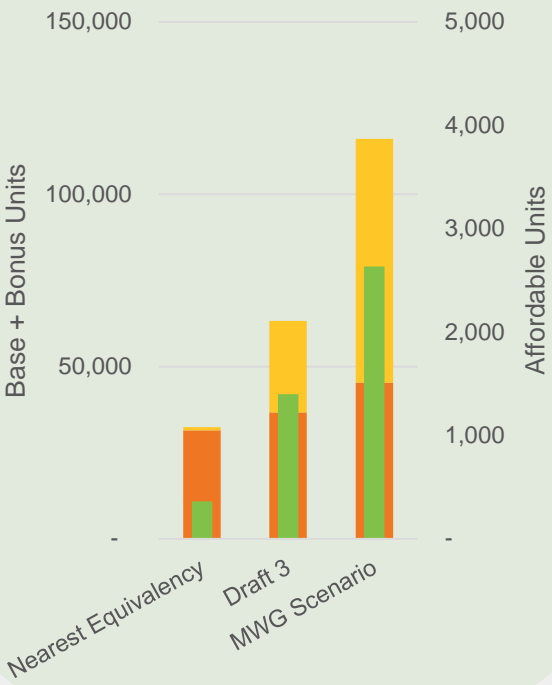


# COMPACT AND CONNECTED

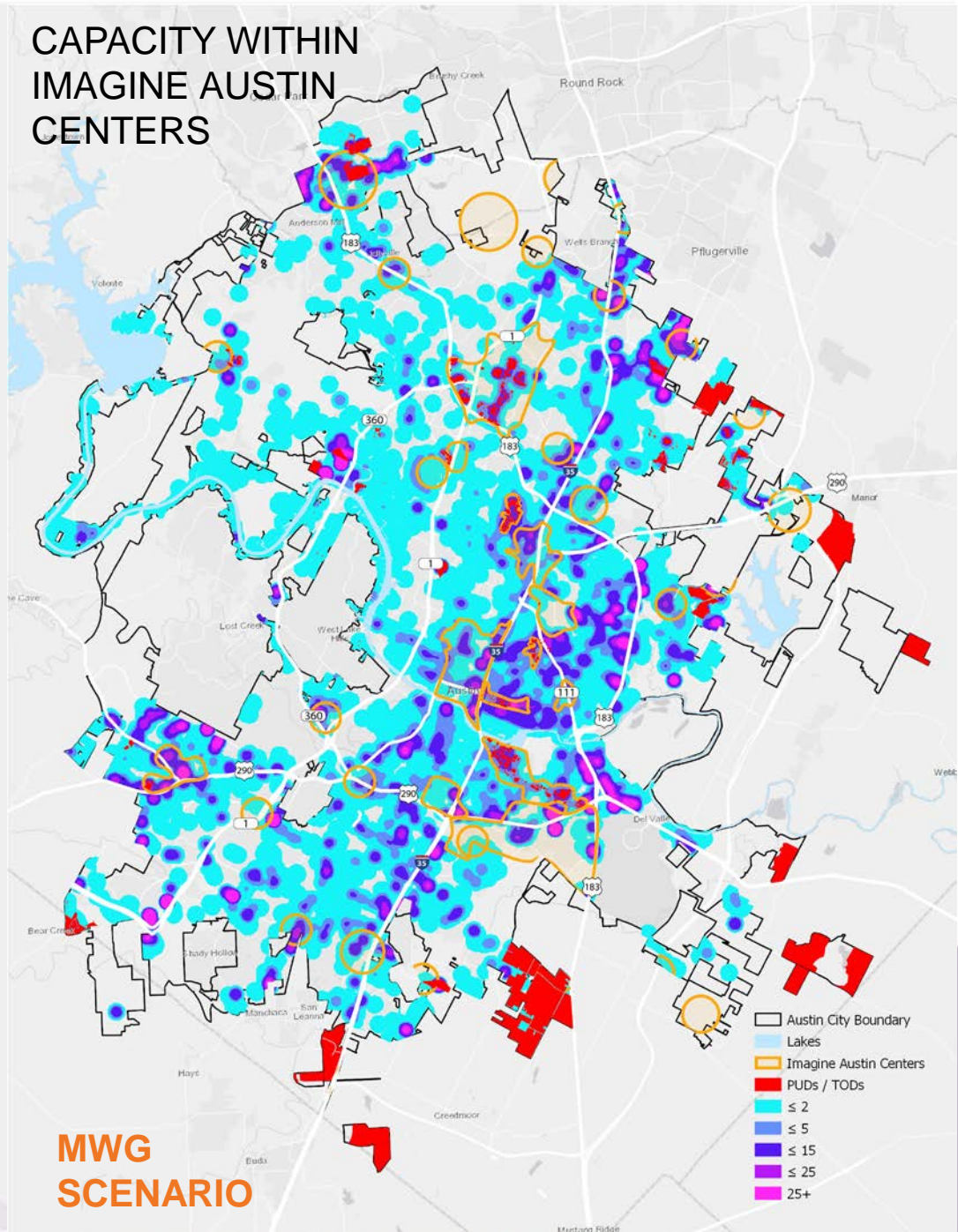
Unit capacity within 1/2 mile of current and future rapid transit corridors



Unit capacity within Imagine Austin Centers

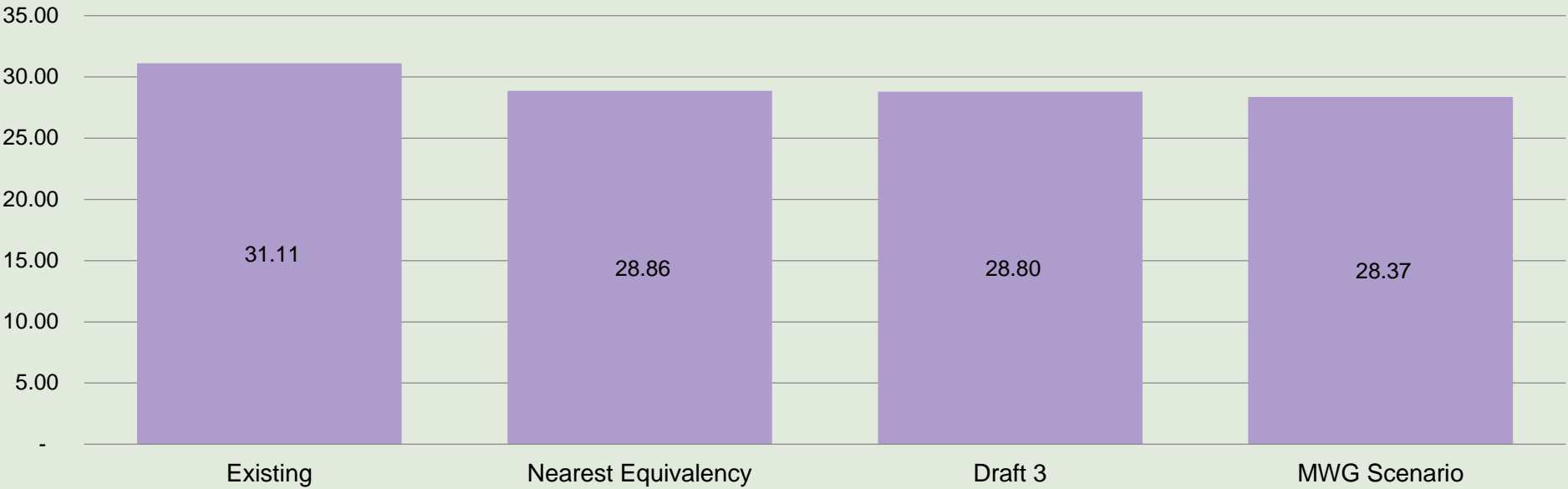


## CAPACITY WITHIN IMAGINE AUSTIN CENTERS



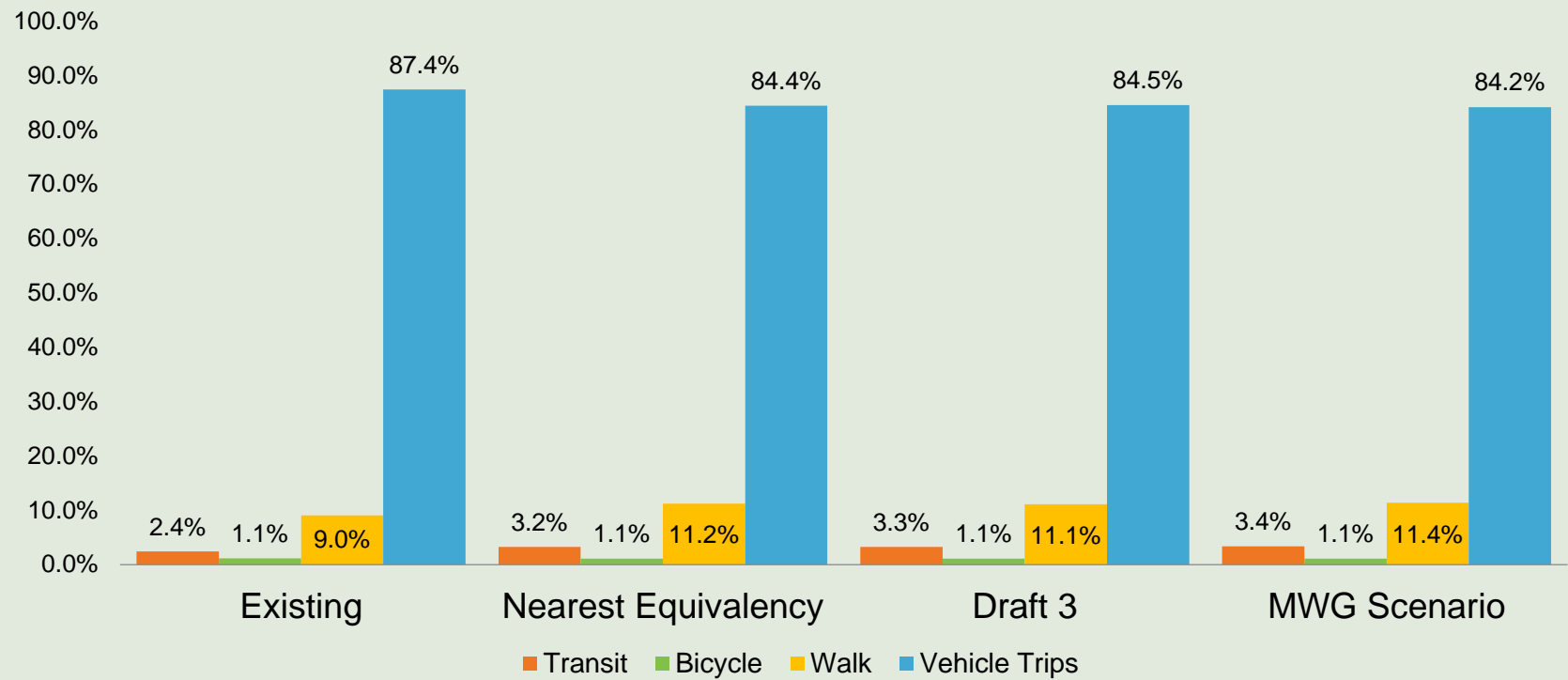


Average vehicle miles traveled (VMT) per household





Percent of household trips by mode (mode split)





# WHERE DO WE GO FROM HERE?

## MWG Recommended Strategies:

- More opportunities for missing middle in more corridors
- Transition zones
- Greater bonus entitlements for certain zones
- More intense MS zones

## MWG Recommended Goals:

- Increase opportunities for Missing Middle
- Reduce auto mode Split
- Affordable Housing Production
- Increase density in Major Corridors





## ACCESSORY APARTMENT ORDINANCE PROPOSAL

The Accessory Apartment is established to provide for the encouragement and promotion of an environment for family life by providing for the establishment of accessory apartments in one-family detached dwellings on individual lots. The purpose is to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home buyers; to offer security against problems associated with frailty in old age (caregiver, mother-in-law plan); allow age in place; create attainable affordability options; offset gentrification and displacement.

- Providing housing opportunities to young families, single parents, veterans, seniors, town employees and employees of small local businesses.
- Providing income to residents, especially those with modest incomes, to remain in their homes.
- Adding units to the Housing Inventory at little cost.
- Scattering affordable housing throughout the town.
- Contributing to the efficient use of land and structures.
- Adding a unit of housing without increasing a home's footprint, which means less environmental impact.

- Cost for an ADU can be from 150k to 200k
- Cost for accessory apartment can be as little as a kitchen remodel
- Apartment is an accessory use to the principal home and the homeowner (owner occupied)
- Apartment does not alter the form of a single family home
- Utilities are shared with the primary structure
- Internal connection maintained between the apartment and the home (doorway)
- Accessory apartment permit is required so it may be tracked since it is only available for owner occupied properties
- Maximum size of apartment is 600 sqft
- May not construct both ADU and apartment.
- FAR is counted since it is part of the primary structure

HOUSING BONUS OPPORTUNITY- because this can truly be considered as accessory to the principal structure's use by an owner, it is not a separate dwelling unit. This can pose opportunities to be creative for special affordability bonus considerations. IE: For owner occupied, in zones where ADU's allowed and when using street scale preservation, accessory apartment can still be allowed in the principal structure, however additional parking space is required on site and rent must be at or below XX%MFI.

Original Exhibit from Commissioners. No alterations made.  
See the Planning Commission Recommendation Report for final action.



The accessory apartment may be created

B- By an addition to the house, containing an internal connection between the accessory apartment and the principal part of the dwelling unit; provided, that the addition will not alter the one-family character of the building.

Occupancy. For purposes of a one-family dwelling with an accessory apartment.

C- The accessory apartment within the structure may be occupied by no more than two (2) related or unrelated adults, with or without minor children.

**Accessory Apartment Permit.** Any person constructing or causing the construction of a one-family dwelling that has an accessory apartment or any person remodeling or causing the remodeling of a one-family dwelling for an accessory apartment, or any person desiring an accessory apartment, shall obtain an accessory apartment permit from the Community



Development Department. Such permit shall be in addition to any building permits that may be necessary. Before an accessory apartment permit is issued, the applicant shall:

Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

#### References:

<http://www.codepublishing.com/UT/Provo/html/Provo14/Provo144600.html>

<https://www.lincolntown.org/DocumentCenter/View/27060/Affordable-Accessory-Apartment-Program>



23-2A-3030 & 3040 (B)

(2) Provide an affidavit from both owner and applicant, agreeing to preserve existing drainage patterns and to provide an engineered grading plan and complete the work specified therein if it is determined by the Building Official that there has been an adverse impact to adjoining lots attributable to an as-built condition within one year from the date of the certificate of occupancy, if the construction, remodel or expansion is:

(A) more than 300 square feet; and

(B) Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted.

Original Exhibit from Commissioners. No alterations made.  
See the Planning Commission Recommendation Report for final action.



**WHITE\_EXHIBIT\_CORRECTIONS SCHOOLS**

**Amend Section 23-4E-6320 School to incorporate corrections submitted by Susan Moffat as vetted by the law department. Please see BELOW**

From: Susan Moffat, Former CodeNEXT Advisory Group Member  
Appointed to Represent Public Schools  
Submitted: March 8, 2018

### **CodeNEXT Draft 3: Corrections for Section 23-4E-6320 School**

Section 23-4E-6320 School (Article 23-4E, Supplemental to Zones) is intended to incorporate the provisions the Educational Facilities Ordinance (COA Ordinance 20160623-090), which provides land development regulations for public schools, including open enrollment public charters.

Because public schools may legally locate in any residential zoning category, basic development standards are essential to ensure a safe environment for students while maintaining a decent quality of life for nearby residents. Austin learned this the hard way a few years ago when a public charter school claimed complete exemption from city development standards under a double loophole in state and local law. The result was a towering structure on a tiny residential street with scant setbacks, industrial sized dumpsters next to residents' windows, excessive light and noise, dangerously snarled traffic and other problems, many of which are ongoing.

In response, the city engaged in a lengthy stakeholder process to craft the Educational Facilities Ordinance. Adopted in 2016, it provides fair, reasonable land development regulations for all public schools, including public charters.

To avoid future problems, it is imperative that all provisions of the Educational Facilities Ordinance be accurately transferred to the new code. While Draft 3 addresses some of the omissions in Draft 1 and 2, several significant corrections are still needed.

**1. CORRECTION. Section 23-4E-6320(B)(3)(a).** The current draft section incorrectly states:

*"A public school is not required to comply with: (a) The requirements of Chapter 23-4 (Zoning) related to floor to area ratio, building placement, building entrance, frontages, parking placement, common open space, visual screening, connectivity, and building design, and outdoor lighting."*

In fact, public schools located within AISD's boundaries are fully exempt *only* from requirements for floor to area ratio, building entry, connectivity, common open space and connectivity between sites, and are subject to some or all code requirements related to the other terms highlighted above.



This broad but mistaken language regarding exemptions appears to be based on the section of the Educational Facilities Ordinance that exempts schools from Chapter 25-2, Subchapter E, Design Standards and Mixed Uses (see Educational Facilities Ordinance Part 5, page 3).

<http://www.ci.austin.tx.us/edims/document.cfm?id=257543>.

**However, the Educational Facilities ordinance also specifically requires all schools located within the AISD boundaries to comply with Chapter 25-2, Subchapter C, Article 10 (Compatibility), with only two exceptions:** no screening is needed around buildings and security lighting need not be shielded (see below provision from Educational Facilities Ordinance, page 3, (D)(2)).

**§ 25-2-833 EDUCATIONAL FACILITY DEVELOPMENT STANDARDS**

**(D) A public primary or secondary educational facility:**

**(1) is exempt from requirements of this chapter limiting floor-to-area ratio;**

**(2) is subject to Chapter 25-2, Subchapter C, Article 10 (Compatibility)**

**within the boundaries of the Austin Independent School District, except that no opaque fencing or screening around any building or shielding for security lighting is required; and**

**Other than these extremely limited exceptions for some portions of screening and lighting requirements, no other elements of Article 10 (Compatibility) are waived or changed.** All schools within AISD boundaries are subject to screening requirements for off-street parking, mechanical equipment, storage and refuse; the Compatibility Design Regulations governing noise of mechanical equipment, placement of and access to refuse receptacles, parking and driveway locations; scale and clustering requirements, which impact building design; and additional specific provisions related to parking lot and driveway construction by a Civic Use.

Likewise, other than the limited exemption that allows schools not to shield security lights, schools are subject to other lighting requirements that appear elsewhere in the code, such as those in draft section 23-4E-2030. Draft 3 does state in Subsection (4)(e) that school's exterior lighting must be shielded, except for security lighting. However this section also states that it applies "except where modified by ...Subsection (B)(3)," which is the subsection that inaccurately grants a blanket exemption from *all* lighting requirements, thus creating a circular argument with no clear answer.

Again, the Educational Facilities Ordinance does not waive or alter these critical requirements - yet all are effectively eliminated by the broad declaration of exemptions that appears in the current draft Section 23-4E-6320(B)(3)(a). Not only does this pose a potential problem for residents, but eliminating these provisions would effectively deliver an unfair advantage to charter schools by exempting them from many requirements with which AISD must comply under its Land Development Standards Agreement with the city. (The ordinance was intended to codify the basic provisions contained the city's



interlocal agreements with area school districts, but in the event of conflict with the ordinance, the Agreement controls).

The Educational Facilities Ordinance incorporates Article 10 (Compatibility) by reference, but the new code eliminates Article 10 in favor of a “baked in” approach, which does not appear to carry over a number of standards critical to a reasonable quality of life for nearby residents. The provisions of Chapter 25-2, Subchapter C, Article 10, shown below, must be added to draft Section 23-4E-6320 to ensure retention of these crucial protections as mandated by the Educational Facilities Ordinance.

**Proposed Fix:**

**(A) Delete the following phrases from Section 23-4E-6320(B)(3)(a).**

*“A public school is not required to comply with: (a) The requirements of Chapter 23-4 (Zoning) related to floor to area ratio and, ~~building placement, building entrance, frontages, parking placement, common open space, visual screening, connectivity, and building design, and outdoor lighting.~~”*

**(B) Add the following provisions from the Educational Facilities Ordinance to Section 23-4E-6320, adjusting numbering/lettering/syntax as needed:**

**§ 25-2-1065 - SCALE AND CLUSTERING REQUIREMENTS.**

*(A) The massing of buildings and the appropriate scale relationship of a building to another building may be accomplished by: (1) avoiding the use of a continuous or unbroken wall plane; (2) using an architectural feature or element that: (a) creates a variety of scale relationships; (b) creates the appearance or feeling of a residential scale; or (c) is sympathetic to a structure on an adjoining property; or (3) using material consistently throughout a project and that is human in scale; or (4) using a design technique or element that: (a) creates a human scale appropriate for a residential use; or (b) prevents the construction of a structure in close proximity to a single-family residence zoning district that is: (i) significantly more massive than a structure in a single-family residence zoning district; or (ii) antithetical to an appropriate human scale; and (c) allows the construction of a structure, including a multi-family structure, that exhibits a human scale and massing that is appropriate for a residential use. (B) Except for good cause, the first tier of buildings in a multi-family or mixed use project must be clustered in a group that is not more than 50 feet wide, as measured along the side of the buildings that are most parallel to the property line of the site. (C) The depth of the first tier of buildings described under Subsection (B) may not exceed: (1) two units; or (2) 60 feet. (D) A building must be at least 10 feet apart from another building, as measured from wall face to wall face. (E) Subsections (B), (C), and (D) do not apply to a: (1) private or public primary educational facility; (2) private or public secondary educational facility; or (3) a college or university. (F) In Subsection (B), good cause may be shown by compliance with Subsection (A).*



Source: Section 13-2-735(c) and (d); Ord. 990225-70; Ord. 000309-39; Ord. 031211-11.

**§ 25-2-1066 - SCREENING REQUIREMENTS.**

- (A) A person constructing a building shall screen each area on a property that is used for a following activity from the view of adjacent property that is in an urban residence (SF-5) or more restrictive zoning district:
- (1) off-street parking;
  - (2) the placement of mechanical equipment
  - (3) storage; or
  - (4) refuse collection.

**§ 25-2-1067 – DESIGN REGULATIONS**

- (A) [This item is addressed in Draft 3].
- (B) The noise level of mechanical equipment may not exceed 70 db at the property line.
- (C) A permanently placed refuse receptacle, including a dumpster, may not be located 20 feet or less from the property: (1) in an SF-5 or more restrictive zoning district or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.
- (D) The location of an access to a permanently place refuse receptacle, including a dumpster, must comply with guidelines published by the City. The Watershed Protection and Development Review Department shall review and must approve the location of and access to each refuse receptacle on a property.
- (E) A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven to a rise of 12, may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.
- (F) [This item is addressed in Draft 3]
- (G) Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.
- (H) If a site on which a parking area or driveway is constructed is less than 125 feet wide, the width and setback for the parking area or driveway must comply with the following schedule [see chart  
at [https://library.municode.com/tx/austin/codes/code\\_of\\_ordinances?nodeId=TI\\_T25LADE\\_CH25-2ZO\\_SUBCHAPTER\\_CUSDERE\\_ART10COST](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TI_T25LADE_CH25-2ZO_SUBCHAPTER_CUSDERE_ART10COST)]

**§ 25-2-1068 - CONSTRUCTION OF PARKING LOTS AND DRIVEWAYS BY CIVIC USES PROHIBITED.**



- (A) Except as provided by Subsection (B), a parking lot or driveway may not be constructed to serve a civic use described in Section 25-2-6 (Civic Uses Described [which includes public schools]) if: (1) construction of the parking lot or driveway requires the removal of a single-family residential use; or (2) the civic use provides secondary access from the civic use through a lot.
- (B) Subsection (A) does not apply if at least 50 percent of the property adjoining the lot on which the parking lot or driveway is located is in a townhouse or condominium residence (SF-6) or more restrictive zoning district. Property that adjoins the rear of the lot, property owned by the owner of the civic use, and right-of-way are not considered in making a determination under this subsection.

**(C) Add the following provision to Section 23-4E-6320(B)(4) for clarity:**

*(g) Opaque Screening or Fencing. No opaque fencing or screening is required around any building. All other screening requirements apply.*

**2. CORRECTION. Section 23-4E-6320(B)(3)(b)**

Add highlighted language to supply correct citation:

*(b) The requirements of Chapter 23-9 (Transportation) related to block length and of 23-4C-1020 related to internal circulation routes.*

Why needed: Schools are indeed exempt from standards related to block length and internal circulation, but the citation is incorrect. In Draft 3, Internal Circulation standards appear in Division 23-4C-1020 (General to Large Sites), not 23-9 (Transportation) as the draft cites. Chapter 23-9 does not speak to internal circulation.

**3. CORRECTION. Section 23-4E-6320(B)(7)**

Add the following highlighted language to conform to Austin’s Educational Facilities Ordinance:

*“The Planning Director shall conduct a neighborhood traffic analysis on a site plan development permit application or a zoning or rezoning for a public primary or secondary school.”*

Why needed: Draft 3 omits an important trigger in Austin’s Educational Facilities ordinance that requires the Director to conduct an NTA for “a site development permit application or a zoning or rezoning.” Draft 3 carries forth the trigger for site development permit applications, but omits the current trigger for zonings or rezonings. See Educational Facilities Ordinance, page 7, Part 9(A). <http://www.ci.austin.tx.us/edims/document.cfm?id=257543>



**4. TYPO. 23-4E-6320(B)(4).**

Remove stray letter “y” highlighted below:

*(4) A public school must comply the requirements of the base zone except where modified by this subsection and Subsection (B)(3). (a) Outside the boundaries of the Austin Independent School District, a public y school must not be constructed closer than 25 feet from an adjoining residential use.*

**5. TYPO. 23-4E-6320-(B)(4)(f).**

Correct referenced section title per below:

*(f) A public school must comply with the impervious cover limits established in Section 23-3D-3110 (Impervious Cover Limits for ~~Schools~~ Educational Facilities).*

Why needed: Referenced title for Section 23-3D-3110 is incorrect; this section is actually titled “Impervious Cover Limits for Educational Facilities,” not “Impervious Cover Limits for Schools.”



Table 23-4D-4030(A) Allowed Uses in Mixed-Use Zones MU1A–MU2B

Use Type	Specific to Use Requirements	MU1A	MU1B	MU1C	MU1D	MU2A	MU2B
<b>(1) Residential</b>							
Accessory Dwelling Unit - Residential	23-4E-6030	P	P	P	P	—	—
Accessory Dwelling Unit - Commercial	23-4E-6040	P	P	P	P	P	P
Bed and Breakfast	23-4E-6090	P	P	P	P	P	P
Cooperative Housing		P	P	P	P	P	P
Duplex	23-4E-6170	P	P	P	P	P	P
Home Occupations	23-4E-6200	P	P	P	P	P	P
Multi-Family	23-4E-6250	P	P	P	P	P	P
Senior/Retirement Housing		P	P	P	P		
≤12	23-4E-6330	<del>MUP</del>	<del>MUP</del>	<del>MUP</del>	<del>MUP</del>	P	P
>12	23-4E-6330	<del>MUP</del>	<del>MUP</del>	<del>MUP</del>	<del>MUP</del>	P	P
Single-Family		P	P	P	P	—	—
Single-Family Attached		P	P	P	P	P	P
Short-term Rental							
Types 1	23-4E-6340	P	P	P	P	MUP	MUP
Types 2	23-4E-6340	P	P	P	P	—	—
Types 3	23-4E-6340	P	P	P	P	MUP	MUP
Townhouse		P	P	P	P	P	P
Work/Live	23-4E-6380	—	—	—	—	P	P
<b>(2) Residential Support</b>							
Emergency Shelter		—	—	—	—	P	P
Residential Care Facility		—	—	—	—	CUP	P

Key for Table 23-4D-4030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Table 23-4D-4030(A) Allowed Uses in Mixed-Use Zones MU1A–MU2B (continued)

Use Type	Specific to Use Requirements	MU1A	MU1B	MU1C	MU1D	MU2A	MU2B
<b>(5) Civic and Public Assembly</b>							
Government		—	—	—	—	MUP	MUP
Library, Museum, or Public Art Gallery		CUP	CUP	CUP	CUP	P	P
Meeting Facility (public or private)		CUP	CUP	CUP	CUP	P	P
Public Safety Facility		CUP	CUP	CUP	CUP	P	P
Religious Assembly Facility		P	P	P	P	P	P
School							
Business, or Trade	23-4E-6320	—	—	—	—	—	P
College or University	23-4E-6320	CUP	CUP	CUP	CUP	MUP	P
Private Primary	23-4E-6320	CUP	CUP	CUP	CUP	MUP	P
Private Secondary	23-4E-6320	CUP	CUP	CUP	CUP	MUP	P
Public Primary	23-4E-6320	P	P	P	P	P	P
Public Secondary	23-4E-6320	P	P	P	P	P	P
<b>(6) Restaurant and Bars</b>							
Bar/Nightclub							
Level 1		—	CUP	—	CUP	—	CUP
Level 2		—	—	—	—	—	—
Micro-Brewery/Micro-Distillery/Winery		—	<del>MUP</del> CUP	—	<del>MUP</del> CUP	—	<del>P</del> MUP
Mobile Food Sales	23-4E-6230	—	—	—	—	—	P
Restaurant							
w/o Alcohol Sales		MUP (5)	MUP (5)	P (5)	P (5)	P (5)	P
w/ Alcohol Sales	23-4E-6310	—	CUP	—	CUP	—	P
Drive Through	23-4E-6160	—	CUP	—	CUP	CUP	CUP
Late Night Operation	23-4E-6310	—	CUP	—	CUP	—	—

Key for Table 23-4D-4030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).



Table 23-4D-5030(A) Allowed Uses in Main Street Zones MS1A–MS3B (continued)

Use Type	Specific to Use Requirements	MS1A	MS1B	MS2A	MS2B	MS2C	MS3A	MS3B
<b>(3) Services (continued)</b>								
Personal Services								
Non-restricted		P	P	P	P	P	P	P
Restricted		—	—	—	P	P	P	P
<b>(4) Office</b>								
Office, General (non-medical)		P	P	P	P	P	P	P
<b>(5) Civic and Public Assembly</b>								
Government		MUP	MUP	MUP	MUP	MUP	MUP	MUP
Library, Museum, or Public Art Gallery		P	P	P	P	P	P	P
Meeting Facility (public or private)		P	P	P	P	P	P	P
Public Safety Facility		P	P	P	P	P	P	P
Religious Assembly Facility		P	P	P	P	P	P	P
School								
Business, or Trade	23-4E-6320	P	P	P	P	P	P	P
College or University	23-4E-6320	P	P	P	P	P	P	P
Private Primary	23-4E-6320	P	P	P	P	P	P	P
Private Secondary	23-4E-6320	P	P	P	P	P	P	P
Public Primary	23-4E-6320	P	P	P	P	P	P	P
Public Secondary	23-4E-6320	P	P	P	P	P	P	P
<b>(6) Restaurant and Bars</b>								
Bar/Nightclub								
Level 1		—	CUP MUP	—	CUP MUP	CUP MUP	P	P
Level 2		—	—	—	—	—	MUP	MUP
Micro-Brewery/Micro-Distillery/Winery		—	MUP CUP	—	P MUP	P MUP	P	P
Mobile Food Sales	23-4E-6230	P	P	P	P	P	P	P
Restaurant								
w/o Alcohol Sales		P	P	P	P	P	P	P
w/ Alcohol Sales	23-4E-6310	—	MUP CUP	—	MUP CUP	MUP CUP	P	P
Drive Through	23-4E-6160	—	—	—	CUP	CUP	MUP	MUP
Late Night Operation	23-4E-6310	CUP	CUP	CUP	CUP	CUP	CUP	CUP

Key for Table 23-4D-5030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).

Table 23-4D-5030(A) Allowed Uses in Main Street Zones MS1A–MS3B (continued)

Use Type	Specific to Use Requirements	MS1A	MS1B	MS2A	MS2B	MS2C	MS3A	MS3B
<b>(7) Retail</b>								
Alcohol Sales	23-4E-6070	—	CUP	—	CUP	CUP	CUP	CUP
Food Sales		P	P	P	P	P	P	P
General Retail								
≤ 5,000 sq ft		P	P	P	P	P	P	P
>5,000 and ≤10,000 sf		—	MUP MUP	—	MUP MUP	MUP MUP	P	P
w/ Onsite Production		—	P	—	P	P	P	P
w/ Outside Storage	23-4E-6190	—	—	—	—	—	CUP	CUP
<b>(8) Entertainment and Recreation</b>								
Performance Venue/Theater	23-4E-6260							
Indoor	23-4E-6260							
≤2,500 sf	23-4E-6260	MUP	MUP	P	P	P	P	P
2,500-10,000 sf	23-4E-6260	CUP	CUP	MUP	MUP	MUP	P	P
> 10,000 sf	23-4E-6260	—	—	—	CUP	CUP	CUP	CUP
Outdoor	23-4E-6260							
≤ 2,500 sf	23-4E-6260	—	—	MUP	MUP	MUP	P	P
2,500-10,000 sf	23-4E-6260	—	—	—	CUP	CUP	CUP	CUP
Recreation								
Indoor ≤ 5,000 sf	23-4E-6290	P	P	P	P	P	P	P
Indoor > 5,000 sf	23-4E-6290	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Outdoor, Formal	23-4E-6290	MUP CUP	MUP CUP	MUP CUP	MUP CUP	MUP CUP	MUP	MUP
Outdoor, Informal	23-4E-6290	P	P	P	P	P	—	—
Outdoor, Natural	23-4E-6290	P	P	P	P	P	P	P
Studio: art, dance, martial arts, music	23-4E-6370	P	P	P	P	P	P	P
<b>(9) Industrial</b>								
No Industrial uses allowed								
<b>(10) Agriculture</b>								
Community Agriculture	23-4E-6120	P MUP	P MUP	P MUP	P MUP	P MUP	MUP	MUP
<b>(11) Automobile Related</b>								
Gas Station	23-4E-6180	—	—	—	CUP	CUP	CUP	CUP
Parking Facility		—	—	—	—	—	CUP	CUP

Key for Table 23-4D-5030(A)

P	Permitted Use	TUP	Temporary Use Permit Required
MUP	Minor Use Permit Required	—	Not Allowed
CUP	Conditional Use Permit Required	P/CUP	Permitted Use or Conditional Use Permit Required. See Division 23-4E-6 (Specific to Use).



## WHITE\_EXHIBIT\_ADMIN & PROCEDURES

### CodeNEXT Draft 3 Administration and Procedures

Originally Submitted by Susan Moffat  
Former CodeNEXT Advisory Group Member  
April 22, 2018

Issues described below are not addressed by the recently released Staff Addendum and Errata. Comments are grouped by subject in the following order: Notice and Appeals; Bar/Nightclub Uses; Nonconforming Uses and Structures; Neighborhood and Small Area Plans; Variances, Waivers and Exceptions; F25.

#### **A. NOTICE AND APPEALS**

**1. Reinstate 20 day appeal window for board or commission decisions, as provided in current code (23-2I-1030).** In Draft 1, deadlines for appeals of administrative decisions (25-1-182) were shortened from 20 days after decision to 14 or 7 days depending on whether notice of decision is required. Staff acknowledged this was a drafting error and reinstated the 20 day appeal window for administrative decisions, but did not fix the deadline to file an appeal to a board or commission. Draft 3 still reduces this deadline from 20 days to 14, a significant reduction.

**2. Allow contested Minor Use Permits (MUPs) to be appealed to City Council.** Draft 3 ends the appeal process for MUPs at Planning Commission. In contested cases, the final decision should not rest with an unelected body.

**3. As an alternative, send MUP notices to all interested parties with a deadline to reply with objections; if no objections are received, the administrative approval could proceed.** This possibility was discussed with Assistant Attorney Brent Lloyd, who appeared supportive of the concept, but this language has yet to appear in Draft 3.

#### **B. BAR/NIGHTCLUB USES**

**2. For clarity and predictability, add a note to all Use Tables stating: “State and local laws do not allow alcohol uses within 300’ of a public school, church or public hospital, regardless of base zoning, without a City Council waiver.”** As currently drafted, CodeNEXT would substantially expand by-right alcohol uses to more areas. Outside investors, unaware of local prohibitions, may naturally assume that if an alcohol use is listed as permitted in a given zone, it will be fine to open a bar or liquor store there regardless of its proximity to a school. Rather than attempting to revise zoning maps to



appropriately zone around hundreds of schools, churches or hospitals, please add this simple note to the Use Tables to ensure clarity and predictability for all concerned.

**3. Require a CUP for all alcohol uses in or near residential zoning.**

**SEE WHITE\_EXHIBIT\_TABLES 4030 & 5030**

**C. NONCONFORMING USES AND STRUCTURES**

**1. Clarify that conversion of nonconforming use to conditional use terminates the nonconforming use (23-2G-2050(B)(2)).** Section 23-2G-2050(B)(2) state that conversion of a nonconforming use to a conforming use terminates the nonconformity, but omits conversion to a CUP, which is specifically mentioned in (B)(5). Please revise this to clarify that conversion to a conforming use or CUP terminates the nonconforming use. Alternatively, state explicitly in (B)(5) that conversion to a conditional use terminates the nonconforming use.

**2. Clarify that conversion of a nonconforming use to a conditional use requires the CUP process mandated elsewhere in the code (23-2G-2050(B)(5)).** Draft Section 2G-1050(B)(5) states: “A nonconforming use may be converted to an allowed use or a conditional use for the zone in which the property is located,” but provides no other details as to how that conversion may be achieved. Please add language clarifying that existing CUP process must be used. Also please clarify that this is considered an abandonment of a nonconforming use (see above).

**3. Correct Section 23-2G-1050(C), which still omits current code language that allows only one modification to setback nonconformances.** After this error was raised in Draft 2, Draft 3 Subsection (C)(2) added new language to restrict height to a single modification, but Subsection (C)(3) still does not limit the number of setback modifications. Absent this provision, one could continue adding iteratively to setback nonconformances virtually in perpetuity, defeating the purpose of limiting nonconformances. Assistant Attorney Brent Lloyd believes this error was intended to be corrected in Draft 3, but was inadvertently missed.

**4. Correct Section 23-2G-1070(D) to limit window to 18 months for rebuilding a nonconforming use destroyed by causes beyond the owner’s control, not for simply filing an application.** Draft 3 omits current code language that requires a 12-month window for rebuilding a nonconforming use destroyed by fire or other cause beyond the owner’s control and prohibits expansion of the gross floor area or interior volume. Consultants removed the 12-month deadline completely in earlier drafts because they thought it was too short a deadline for rebuilding. However, Draft 3 now provides that **“an application to replace or rebuilt [sic] the structure is submitted no later than 18 months from the date the original structure was damaged or destroyed.”** This change effectively extends the rebuilding window indefinitely as applications and permits can be renewed repeatedly over an extended period. If the deadline is tied only to the filing of an application, 12 months is more than more than enough time. If the deadline is 18 months,



it should be limited to rebuilding, not simply filing an application. In a March meeting, Assistant Attorney Brent Lloyd stated he believed this was a drafting error that could be fixed.

**5. Reinstate current public notice requirement for extensions of development applications (23-2B-1050).** The draft section allows an automatic extension of 1-year expiration period in a case where staff review is not complete, but omits the notice requirement to the public in the current code (LDC 25-1-87) See also 23-2C-1010(B). In November, Assistant City Attorney Brent Lloyd floated the idea of a shorter time length for automatic extensions (3-6 months), after which notice would be required, but Draft 3 still grants a 1 year extension without notice to public.

## **D. NEIGHBORHOOD AND SMALL AREA PLANS**

**1. 23-1B-4010(E). Strengthen city-issued Contact Team bylaws template and remove provision allowing individual Contact Teams to amend bylaws.** This section allows Neighborhood Plan Contact Teams to amend their own bylaws, but if bylaws “shall be consistent with the standardized bylaws template” as provided, why allow individual contact teams to change them? The original bylaws template the city provided was generally weak and omitted crucial sections regarding basic functions, such as the authority to place items on the agenda, voting process, quorum, etc., which led to a number of problems cited by the city auditor. In fact, many of the NP issues raised by the city auditor could have been avoided through the use of strong standard bylaws. The revised bylaws template is slightly improved, but could still benefit from additional work. In any case, it makes no sense to allow NPs to change their own bylaws at will.

**2. Add definition of Neighborhood Plan, which is still missing from Draft 3 (23-12A-1030 pg. 21, formerly 23-2M-1030).** Neighborhood Plans have been the chief planning tool used by the city for roughly two decades, and are referenced in the draft text in various places, yet are still not defined in Draft 3. It makes no sense to provide detailed provisions related to these bodies, without providing even a simple definition of them.

**3. Reinstate section governing creation and responsibilities of Neighborhood Plans and Neighborhood Contact Teams, currently in LDC Section 25-1-805.** Draft 3 Section 23-2E-2030 makes detailed provisions for Neighborhood Plan Amendments, repeatedly referencing neighborhood plans and neighborhood plan contact team. Yet Draft 3 completely omits current code language governing the creation and responsibilities of Neighborhood Plans or Neighborhood Plan Contact Teams (LDC Art. 16, Section 25-1-805). For clarity of use, please reinstate this language.

**4. Add Small Area Plans to 23-2E-2 as explicitly referenced elsewhere in Draft 3.** Section 23-1B-1010 states that City Council has authority over all legislative decisions authorized by this Title including amendments to “adopted small areas plans, under Division 23-2E-2” and similar references to small area plans appear in multiple places



throughout the draft, often with the cite to Division 23-2E-2. Yet as currently drafted, Section 23-2E-2 itself makes no mention small area plans, only Neighborhood Plans.

Small area plans are a major city planning tool and are obviously intended to be included in this section as evidenced by explicit references elsewhere in Draft 3. Small area plans should also be added to General Terms and Phrases, 23-13A-1.

## **E. VARIANCES, WAIVERS, EXCEPTIONS**

**1. Correct Special Exception, Level 1 (Section 23-4B-4030) to retain current code requirements as follows: applies only to structures 25 years old or older; does not provide exceptions for building height or build cover; applies only to structure or portion of structure for which exception was granted and does not run with land.**

Special Exception Level 1 would authorize the Board of Adjustment to “approve a special exception to provide relief for residential properties with longstanding code violations that are minimal in degree and have little to no effect on surrounding areas.”

This special exception appears intended to bring forward the existing special exception for longstanding (25 years) setback nonconformances under LDC Section 25-2-276, which the Council enacted in 2011. However, Draft 3 significantly expands this authority by: creating new exceptions for height and building cover as well as setbacks; creating new exceptions for much more recent structures (10-year-old structures, down from the current 25-year-old threshold); and removing the following limit in current code:

“25-2-476(C) A special exception granted under this section:

- (1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land.”

Please revise to retain crucial provisions in current code.

**2. Consider impact of expanded Board of Adjustment (BoA) waivers on average residents.** While Draft 3 removes some of the most egregious BoA waivers proposed in earlier drafts, the remaining expansion of BoA waivers may create significant hurdles for those unfamiliar with the BoA process or unable to fund a court appeal. BoA does not allow ex parte communication and their hearings are limited and formal, which may not give inexperienced residents the opportunity to fully explain the potential impacts of a case in what will be their only chance to do so.

Further, there is no appeal for a BoA decision unless the aggrieved party can afford to go to court, effectively rendering appeal rights moot for many residents. Please consider these impacts before approving expanded BoA waivers as proposed in Draft 3.

**3. For efficiency and transparency, remove variance/exception option from 23-2A-3050, Residential Development Regulations.** New in Draft 3, Division 23-2A-3 is



intended to streamline review processes for smaller residential projects of 1-6 units in order to moderate costs. However, Section 23-2A-3050 would allow an applicant request a variance or special exception from “from any zoning regulation applicable to the proposed development. These would specifically include a variance from the Land Use Commission for a 1-2 unit project or an administrative modification for a 3-6 unit project. In the interests of efficiency and transparency, a streamlined review process should be limited to no variance/exception projects. As currently drafted, this is the equivalent of ordering the daily special and then asking to substitute all the side dishes.

The recently released staff addendum actually doubles down on these exceptions, adding a new Section 23-2A-3060, which would allow an applicant to request a variance or special exception from the Board of Adjustment from any zoning regulation for a project of 1-2 units, and to request a variance from land use commission for projects of 3-6 units.

**4. Cap all administrative modifications for “inadvertent errors” at no more than 2% (Administrative Modifications, 23-2F-2040).** This section, which has been moved and retitled from previous drafts, originally allowed administrative approval of a 10% increase in certain entitlements (height, building coverage and setback) if errors were made ‘inadvertently’ in construction, sparking concerns of abuse and raising questions about illegal delegation of authority under state law. Staff response in October 2017 did not address legality under state law, or the size of the proposed percentage. The Board of Adjustments itself has stated that any proposed adjustment should be limited to 2%, not 10%.

Draft 3 now caps height adjustments at 5%, but building and setback adjustments remain at 10%, which is still too high and opens the door to abuse. Please cap all administrative adjustments for inadvertent errors at no more than 2%.

## **H. VALID PETITIONS**

**1. Add Valid Petition definition and process for rezonings (Article 23-2).** Valid petition rights in rezoning cases are established by state law, as are vested rights petitions. Draft 3 provides extensive information about vested rights petitions in 23-K-2, but not one word about Valid Petitions – not even a definition (note that vested rights petitions are generally used by developers, while valid petitions are generally used by area residents seeking to oppose or alter a proposed development). In the interest of fairness, please add subsection for Valid Petitions, including definitions, applicability, procedures, etc., similar to what the draft provides for Vested Rights Petitions in 23-K-2.

## **I. F25 (Formerly Title 25)**

**1. Require the final draft specify which of the current Conditional Overlays will be carried over to the F25 Zone (former Title 25).** Subsection 23-4D-8080(B)(1)(e) states it applies to “specifically identified Conditional Overlays” and Subsection (B)(2) states



that the director will publish a guide listing all designations in Subsection (C)(1), but neither is available at this time. According to staff, an interactive map containing this information will link to ordinance in final draft. Please ensure this happens.

**2. Clarify how compatibility will be handled between F25 and non-F25 properties, specifically, how does subsection (c) below square with (a) and (b)?**

Draft 3 Subsection 23-4D-8080(C)(2) states that:

- (a) properties in F25 Zones are subject to compatibility regulations under former Chapter 25-2, Subchapter C, Article 10(Compatibility);
- (b) Residential House Scale Zones shall also trigger old compatibility regulations for properties within an F25 zone; and
- (c) properties within an F25 zone that would have triggered compatibility under Article 10 “shall be treated as Residential House-Scale Zones and trigger compatibility regulations established in this Title for properties within Zone established in this Title.”

**3. For F25 properties, clarify whether they are subject to noncompliance/nonconformance provisions in contained in former Title 25 or CodeNEXT.** I am unable to find Draft 3 language specific to noncompliance, but Subsection (C)(1)(a) states that F25 properties are subject to zoning regulations of the “City’s predecessor Land Development Code, Chapter 25-2 Zoning. Chapter 25-2 contains regulations for Nonconforming Uses (Article 7) and Noncomplying Structures (Article 8). This would appear that F25 properties will remain subject to former code regulations, but please confirm.



## WHITE\_EXHIBIT\_ Conditional Use Permits

### CodeNEXT Draft 3 Conditional Use Permits

**Please amend Draft 3 to reinstate the clear Conditional Use Permit standards and other key provisions in LDC 25-5-142 through 25-5-150.**

Draft 3 Section 23-4B-1020 substantially loosens and weakens criteria for Conditional Use Permits (CUPs), deleting many specific mandatory standards in current code and replacing them with relatively broad concepts that must only be considered, not required as conditions for approval. Paradoxically, the draft also removes the current CUP requirement for at least two uses whose potential impacts do warrant the extra scrutiny a CUP provides, notably late-hours bars in many zones and big box retail over 100,000 square feet.

The proposed changes are concerning for several reasons.

First, a stated goal of CodeNEXT is to provide greater predictability in zoning matters, thereby reducing the number of negotiated or contested cases that currently consume time and energy of city staff, residents, commissioners and council members. Draft 3 inexplicably broadens CUP criteria, inviting applicants to bring a wider range of applications and greatly increasing the time already spent on such cases. If we truly want a predictable code and a more efficient process, taking the lid off CUPs works against that goal.

Second, CUP zoning stays with the land, not just the proposed project, which may close in the first week of operation. This means the delightful corner pub that comes to the commission with neighborhood support can easily become a Hooters next month, a legal impact sometimes lost in discussions of a particularly appealing proposal. The Land Use Commissions are established to guide and shape our city. Is good planning really served by making CUPs more widely available?

CodeNEXT already proposes plentiful by-right zoning for many additional uses in far more areas. CUPs should remain a limited mechanism for situations where a change of use or added scrutiny is truly warranted, not a one-size-fits-all tool to undermine well-considered zoning.

Please amend the draft to reinstate current CUP provisions as detailed below.

**1. Reinstate LDC 25-5-148 to ensure compliance with conditions imposed by Council or Commissions.** Draft 3 deletes in its entirety LDC 25-5-148, Conditional Use Site Plan and Update. This section states that if the Land Use Commission or City Council imposes a condition of an approval on a CUP, the applicant must file an update that satisfies the condition within 20 business days, and that a site plan expires if the applicant does not comply with the deadline. If the director returns review comments on



the update, the applicant may file subsequent updates up to 135 days after the date of the CUP approval. Absent this provision, there will be no way to ensure that an applicant has actually complied with the conditions specified by the commissions or Council.

**2. Reinstate existing CUP requirement for late-hours bars and restaurants, including current code's 200' parking buffer in proximity to House-Scale Residential Zones.**

**23-4D-5040 Parking Requirements**

**(D) Parking Buffer.** A 200' parking buffer is required when adjacent to R & RM zones.

Current code requires that parking for a late-night bar or restaurant be separated from residential uses of SF-6 or lower by at least 200'. Draft 3 effectively repeals this parking buffer for late-hours bars in MU3B, MU4B, MU5A, MS3A and MS3B, and repeals the parking buffer for late-hours restaurants with or without alcohol sales in MU4B and MU5A. (The effect is unclear on the Micro-Brewery/Micro-Distillery/Winery use, which is proposed as a permitted in many MU and MS zones; if they are, in fact, allowed late-hours permits, they would also be exempt from the parking buffer.)

As anyone who's spent time in a bar parking lot knows, they can be the scene of activities most would rather not have occurring directly under their bedroom windows, including laughter, yelling, outdoor bodily functions, last-call romances and fights. As CodeNEXT significantly increases alcohol-related zoning in many areas, this is hardly the time to repeal the 200' parking buffer.

The simplest fix would be to reinstate a CUP requirement for any late-hours use in proximity to House-Scale Residential zones or, alternatively, add a provision to the Use Tables and/or Parking Tables that mandates the 200' parking buffer for late-hours uses in proximity to House-Scale Residential zones.

Details: LDC Section 25-2-808(C) states that any cocktail lounge - now renamed Bar/Nightclub in the draft - or restaurant that requires a late-hours permit from the TABC is a conditional use if Article 10 (Compatibility Standards) apply. This means a CUP is required for these late-night uses if they are proposed in proximity to residential uses (please note that the draft deletes Article 10 so this first trigger is now missing). LDC Section 25-2-808(D) further states that any cocktail lounge or restaurant with a late-hours permit must be in "compliance with the parking area setback described in Section 25-5-146 (Conditions of Approval)," which requires that parking for these late-hours uses "must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet" unless the use is located in an enclosed shopping center or the Land Use Commission approves a waiver.

To be clear, Draft 3 retains the parking buffer as a CUP requirement for late-hours bars and restaurants - the problem is that it drops the CUP requirement itself for these uses in many districts.



**3. Reinstate LDC 25-5-150 to prevent revolving door for same CUP requests.** Draft 3 deletes in its entirety LDC 25-5-150, which states “if a conditional use site plan is denied or revoked, a person may not file an application for the same or substantially the same conditional use on the same or substantially the same site for a period of one year from the date of denial or revocation.” Without this provision, the new code would potentially allow a non-stop revolving door for the same CUP requests – an unnecessary drain of time and energy for both city staff and affected residents.

**4. Reinstate LDC 25-5-145(C)(4) to ensure Large Retail Uses do not adversely affect future redevelopment.** This provision, which Draft 3 deletes, requires that a CUP “for a large retail use described in Section 25-2-815 (Large Retail Uses)” may not “adversely affect the future redevelopment of the site.” This provision is a key component of Austin’s “Big Box” ordinance and is intended to prohibit the practice, often employed by large corporate retailers, of holding an abandoned big box store off the market to keep competitors from acquiring it. The Big Box ordinance was the product of a lengthy public battle and stakeholder process, and its provisions should be retained.

**5. Reinstate all current requirements in LDC 25-5-145, Evaluation of Conditional Use Site Plan.** While current code requires a CUP to comply with specified measures, Draft 3 simply directs the Land Use Commission to consider a list of relatively vague criteria, many of which appear focused on *mitigating* adverse impacts, rather than providing solid grounds for denying the proposal that would create them. Please consider the following points:

**(a) Draft 3 deletes the current mandate to determine compliance with specific requirements.** LDC 25-5-145, Evaluation of Conditional Use Site Plan states: “(A) *The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.*” By contrast, Draft 3 Section 23-4B-1020(E)(1) deletes this language, saying only that the Commission “*shall approve, conditionally approve, or deny a conditional permit in accordance with this subsection.*” Unfortunately, the subsection referenced establishes on actual requirements, only items for consideration.

**(b) Draft 3 deletes at least seven specific standards that CUPs must meet under current code.** LDC 25-5-145(B) states “*a conditional use site plan must:*

*“...have building, height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;  
“...provide adequate and convenient off-street parking and loading facilities;  
“...for a conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the city council for the area in which the use is proposed.”*

In addition, LDC 25-5-145(C) states “*a conditional site plan may not:*  
*(1) more adversely affect an adjoining site than would a permitted use; (2) adversely affect the safety or convenience of vehicular or pedestrian circulation, including*



*reasonably anticipated traffic and uses in the area; (3) adversely affect an adjacent property or traffic control through the location, lighting, or type of sign; or (4) for a large retail use described in Section 25-2815 (Large Retail Uses), adversely affect the future development of the site.”*

Draft 3 deletes all seven of the above specific requirements contained in current code.

**(c) Draft 3 replaces specific requirements with three broad concepts and provides criteria only for consideration, not as required conditions of approval.**

Draft 3 Section 23-4B-1020(E)(3), now titled “Findings for Approval,” simply lists three broad criteria, stating the Commission “*must find that the proposed use is:* (a) *Consistent with the applicable goals and policies of the Comprehensive Plan and the purpose of the zone in which the site is located;* (b) *Not detrimental to the public health, safety, and welfare; and* (c) *Reasonably compatible with existing or approved uses in the surrounding area.”*

Obviously, these are much looser concepts than the specific standards required by current code, making it more difficult for a commission to find solid grounds for denial. Even the title - “Findings for Approval” - seems skewed toward assent, as opposed to the current code’s more objective section title, “Evaluation of a Conditional Use Site Plan.”

In place of specific requirements in current code, Draft 3 Section **23-4B-1020(E)(4)**, Review Criteria, offers the following items for consideration only. My comments are underlined in brackets.

*“In determining whether an application meets the findings required for approval under Subsection (E)(1) [subsection referenced provides no actual requirements, see above], the Land Use Commission shall consider the extent to which the proposed use:*

- (a) Is generally compatible in scale, intensity, and character with adjacent developments and neighborhoods [No mention of abutting site per current code];*
- (b) Includes improvements, either onsite or within the public right-of-way, to mitigate adverse effects related to traffic, noise, odors, visual nuisances, adverse flooding [As opposed to beneficial flooding?], and similar adverse effects to adjacent developments and neighborhoods [Note that there is no requirement to actually mitigate these effects, only that the Commission must consider the extent to which they may be mitigated; the use of the public right-of-way to do so is also potentially problematic];*
- (c) Can safely accommodate anticipated vehicular and pedestrian traffic consistent with existing and anticipated traffic in surrounding area [This is similar, though not identical, to current code language, but it is not a requirement as it is under current code, merely a suggested consideration];*



- (d) *Incorporates thoroughfare adjustments, traffic control devices, and access restrictions to control or divert vehicular traffic flow as may be needed to mitigate vehicle traffic on adjacent thoroughfares; [Again, the focus is on mitigation, rather than ensuring the proposed project does not actually result in adverse effects per current code; and again, it is not a requirement, just a consideration.]*
- (e) *Incorporates screening, buffers, and other features to minimize adverse visual or noise effects of the proposed use on adjacent properties [Again, the focus is on mitigation, and it is not a requirement, just a consideration.]; and*
- (f) *Meets the site development standards of the zone in which the proposed use is located, or if a special exception from one or more standards is requested in Compliance with Section 23-4B-4030 (Special Exception-Level 1), the exception will enhance the quality of the use and increase its compatibility with adjoining developments and neighborhoods [The citation here appears refers to an earlier draft. Draft 3 Special Exception-Level 1 simply authorizes the Board of Adjustment to “approve a special exception to provide relief for residential properties with longstanding code violations that are minimal in degree and have little to no effect on surrounding areas,” which does not seem germane to this provision.]*

**6. Reinstate LDC 25-5-143(C) to ensure advisory board input on CUPs in Waterfront Overlay.** Draft 3 deletes LDC Section 25-5-143(C), which requires the director to request a recommendation from the Waterfront Advisory Board for a CUP located within the Waterfront Overlay combining district. It appears the original Waterfront Advisory Board had been replaced by the South Central Waterfront Advisory Board. However, the Waterfront Overlay (WO) Zone still exists in Draft 3 so it seems wise to retain the requirement for input from the current advisory board if a CUP is requested in the WO Zone.

For all of the above reasons, please amend Draft 3 to reinstate the clear CUP requirements and conditions contained in current code (LDC 25-5-141 through 25-5-150).



## WHITE\_EXHIBIT SMART

## Division 23-3E-4: S.M.A.R.T. Housing

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## 23-3E-4010 Administration

(A) The Housing Director shall administer the S.M.A.R.T. Housing program and may adopt and implement program guidelines or rules and establish the requirements for an application under the program.

(B) The Housing Director shall notify the Public Works Director and Transportation Director of proposed S.M.A.R.T. Housing developments within a half mile of an existing or planned transit route or stop.

## 23-3E-4020 Program Requirements

(A) S.M.A.R.T. Housing is housing that is safe, mixed-income, accessible, reasonably priced, transit-oriented, and compliant with the City's green building standards.

(B) S.M.A.R.T. Housing must:

- (1) Be safe by providing housing that complies with this Title;
- (2) Provide mixed-income housing by including dwelling units that are reasonably-priced, as described in Subsection
- (3) Provide for accessibility for a development of more than three dwelling units by providing at least 10 percent of the dwelling units that comply with the accessibility requirements of the building code;
- (4) Provide for visitability for a development with three or fewer dwelling units by either:
  - (a) Complying with the design and construction requirements of City Code Chapter 5-1, Article 3, Division 2 (Design and Construction Requirements); or
  - (b) Complying with the local visitability amendment of the international residential code.
- (5) Be located within one-half mile walking distance of a local public transit route at the time of application, except as provided in Subsection (D); and
- (6) Achieve at least a one star rating under the Austin Green Building Program.

(C) A reasonably-priced dwelling unit is one that is affordable for purchase or rental according to the following:

- (1) If the dwelling unit is offered for purchase, the maximum sales price must not exceed three times the annual income for a household at the MFI level required by Section 23-3E-4030 (Affordability Requirements), adjusted for unit size where one bedroom equals one person. The maximum sales price can be up to 3.5 times the annual income for a household at the required MFI level if a household member has finished a City-approved homebuyer counseling or education class.



(2) If the dwelling unit is offered as a rental, the maximum monthly rental rate must not exceed 30 percent of the average gross monthly income for a household at the MFI level required by [Section 23-3E-4030 \(Affordability Requirements\)](#), adjusted for unit size where one bedroom equals one person.

(D) The Housing Director may waive the transit-oriented requirement in Subsection (B)(5) if the development meets one of the following criteria:

- (1) The development will be located in a high opportunity area as identified by the Housing Director or established in the program guidelines;
- (2) The applicant ~~applies for~~ **receives (TW)** State or Federal Government funds, including the Low Income Housing Tax Credit Program, related to the development;
- (3) The development affirmatively furthers fair housing as determined by the Housing Director and in consideration of the City's analysis of impediments or assessment of fair housing; or
- (4) The development is within one half-mile of a planned local public transit route documented in a plan approved by the Capital Metropolitan Transportation Authority.

(E) An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.

#### **23-3E-4030 Affordability Minimum Requirements**

(A) To be eligible for the S.M.A.R.T. Housing Program, a housing development must comply with the requirements of this section.

- (1) For ownership dwelling units within the [Area A and B \(see Subsection 23-3E-1040\(B\)\(1\) \(Application\)\)](#):
  - (a) **A minimum** of five percent of dwelling units must be available to households at or below 80 percent of the MFI; and
  - (b) **A minimum** of an additional five percent of dwelling units must be available to households at or below 100 percent of the MFI.
- (2) For ownership dwelling units within [Area C, D, and E \(see Subsection 23-3E-1040\(B\)\(1\) \(Application\)\)](#), **a minimum of 10 percent** of dwelling units must be available to households at or below 80 percent of the MFI.
- (3) For rental dwelling units, **a minimum of 10 percent** of dwelling units must be available to households at or below 60 percent of the MFI.

(B) For a household to be eligible to purchase or rent a reasonably-priced dwelling unit, the household's gross annual income may not exceed the MFI required by Subsection (A).

**23-3E-4040 Percentage-based Affordable Projects Beyond Minimum.** This section applies to residential and multi-family S.M.A.R.T. Housing projects where a percent of the units are affordable. The percentage of fee waiver shall be calculated on a square footage basis and only the percentage of affordably restricted square footage will be used to determine the percent of fees waived.

The partial fee waivers shall apply to residential and multi-family S.M.A.R.T. Housing projects serving households with incomes at 80% or less MFI for sale and 60% MFI for rent with affordability terms of 99 years and 40 years respectively. For sale projects that include 25% of the units affordable to households at 60% or less MFI may include 20% of the units for sale to households with incomes up to 120% MFI.<sup>1</sup>

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<sup>1</sup> This conforms with Section 373B, Texas Local Government Code for Community Land Trusts.



When the project includes a non-residential component that is unrelated to the residential component of the project, the percentage of fee waiver shall be calculated on a square footage basis and only the affordably restricted square footage will be used to determine the percent of fees waived.

**23-3E-4050 Fully Affordable Projects.** This section applies to residential and multi-family project where 100% of the units are affordable to households with incomes at 80% or less MFI for sale and 60% MFI for rent with affordability terms of 99 years and 40 years respectively. For sale projects that include 25% of the units affordable to households at 60% or less MFI, may include 20% of the units for sale to households with incomes up to 120% MFI.<sup>2</sup> If any portion of the project is non-residential and not directly related to the residential component, this fee waiver shall be calculated according to section 23-3E-4040 of this code.

(A) 100% Fee Waivers & Prioritized Fast-Track Review. All development related fees listed in 23-3E-4070 including those listed in 4070 (B) shall be waived and 4070 (C) shall be applied.

(B) SPECIAL REQUIREMENTS FOR AFFORDABLE HOUSING IN RESIDENTIAL DISTRICTS.

(1) Minimum lot size is 2500 square feet.

(2) Lots with greater than 7,000 square feet may have four units of housing provided the total FAR does not exceed .5:1 of the lot area.

(3) Lots with greater than 5000 square feet may have three units of housing provided the total FAR does not exceed .5:1 of the lot area.

(4) Lots with less than 5000 square feet may include a second home provided the total FAR does not exceed .5:1 of the lot area.

(5) The maximum impervious cover is 55 percent if the director of the Watershed Protection and Development Review Department determines that the development will not result in additional identifiable adverse flooding on other property.

(6) A non-complying structure may be replaced with a new structure if the new structure does not increase the existing degree of noncompliance with yard setbacks.

(7) A lot that is aggregated with other property to form a site may be disaggregated to satisfy this subsection.

(C) This section applies in a multifamily residence low density (RM2A) district, multifamily residence medium density (RM3A and RM4A) district, multifamily residence moderate-high density (RM3A and RM4A) district, or multifamily residence high density (RM5A) district on property that either has not been developed or that has been developed only with an agricultural use.

(D) Except as provided in Subsection (C), a development may comply with multifamily residence highest density (RM5A) district site development regulations if the director of the Neighborhood Housing and Community Development Department certifies that the development complies with the City's S.M.A.R.T. Housing Program, and:

(1) for a rental development, 60 percent of the residential units in the development are reserved as affordable for a minimum of 40 years following the issuance of a certificate of occupancy for rental by a household earning not more than 60 percent of the median family income for the Austin metropolitan statistical area; or

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<sup>2</sup> This conforms with Section 373B, Texas Local Government Code for Community Land Trusts.



(2) for an owner-occupied development:

(a) Eighty percent of the residential units in the development are reserved as affordable for a minimum of 99 years following the issuance of a certificate of occupancy for ownership and occupancy by a household earning not more than 80 percent of the median family income for the Austin metropolitan statistical area; and

(b) Twenty percent of the residential units in the development are reserved as affordable for a minimum of 99 years following the issuance of a certificate of occupancy for ownership and occupancy by a household earning not more than 100 percent of the median family income for the Austin metropolitan statistical area.

(E) Developments under this section are eligible for administrative waiver of height limits and compatibility requirement for height and stories of up to 25% of the permitted height.

### 23-3E-4060 Required Affordability Period

(A) To be eligible for the S.M.A.R.T. Housing Program, unless a longer term is required by law, private agreement, or another provision of this code, all reasonably-priced dwelling units in a S.M.A.R.T. Housing development must remain reasonably-priced for the following affordability periods commencing on the date the final certificate of occupancy is issued:

- (1) For ownership dwelling units, a period of at least 99 years; and
- (2) For rental dwelling units, a period of at least 40 years.

(B) If a reasonably-priced dwelling unit within a S.M.A.R.T. Housing development is converted from a rental unit to an owner-occupied dwelling unit during the applicable affordability period, the dwelling unit is subject to the affordability period and affordability requirements applicable to an owner-occupied dwelling unit. The new affordability period begins on the date that the converted dwelling unit is available for owner occupancy.

(C) If the development does not comply with the requirements to maintain the applicable percentage of dwelling units as reasonably-priced for the duration of the applicable affordability period, the developer shall reimburse the City for all fees waived plus a penalty charge equal to the total amount of fees waived.

(D) The applicant is required to execute an agreement, restrictive covenant, or other binding restriction on land use that preserves affordability in compliance with the S.M.A.R.T. Housing Program.

### 23-3E-4070 Fee Waivers and Exemptions

(A) A developer is eligible for a 100 percent waiver of the fees if the Housing Director determines that the housing development meets the requirements of Section 23-3E-4030 ; 23-3E-4040 or 23-3E-4050 (Affordability Requirements) and Section 23-3E-4060 (Required Affordability Period). The fees that can be waived include, but are not limited to:

(B)

- (1) Construction inspection fee;
- (2) Development assessment fee;
- (3) Traffic impact analysis fee;
- (4) Traffic impact analysis revisions fee;
- (5) Regular zoning fee;
- (6) Interim to permanent zoning fee;
- (7) Miscellaneous zoning fee;
- (8) Zoning verification letter fee;
- (9) Board of Adjustment fee;
- (10) Managed growth agreement fee;



- (11) Preliminary subdivision fee;
- (12) Final subdivision fee;
- (13) Final without preliminary subdivision fee;
- (14) Miscellaneous subdivision fee;
- (15) Consolidated site plan fee;
- (16) Miscellaneous site plan fee;
- (17) Site plan revision fee;
- (18) Site plan - construction element fee;
- (19) Building review plan fee;
- (20) Building permit fee;
- (21) Electric permit fee;
- (22) Mechanical permit fee;
- (23) Plumbing permit fee;
- (24) Concrete permit fee;
- (25) Demolition permit fee;
- (26) Electric service inspection fee;
- (27) Move house onto lot fee;
- (28) Move house onto city right-of-way fee; and
- (29) Neighborhood plan amendment fee.

(B) Additional fees that may be waived by separate ordinance or agreement include:

- (1) Austin water utility capital recovery fees;
- (2) Parkland dedication fees;
- (3) Austin energy line extensions;
- (4) Transportation mitigation fees; and
- (5) Service connections to certain lots.

(C) Development costs for which the City may provide funding, waiver or reimbursement to the developer may include:

- (1) Public streets and sidewalks;
- (2) Other utility services located within the right of way to the units.
- (3) Relocation of utility poles deemed necessary for the project shall be paid for by the City.
- (4) Tree mitigation fees

**23-3E-4080 Prioritized Expedited Review. See the attached Chart.**

Prioritized Fast-Track review means a S.M.A.R.T. Housing project under this section is reviewed before all other applications including those where an expedited review fee has been paid. Prioritized fast-track review shall include all City of Austin departments including, but not limited to Watershed Protection, Development Services, Austin Energy, Water Utilities, and the Austin Fire Department. The City shall provide or reimburse the developer for utility services located within the right of way to the units. Relocation of utility poles deemed necessary for the project shall be paid for by the City.

**23-3E-4090 Reporting, Compliance, and Enforcement**



(A) The Housing Director shall establish reporting, compliance, monitoring, and enforcement mechanisms and procedures for implementing the S.M.A.R.T. Housing Policy and Program.



**WHITE\_EXHIBIT\_SUPPORT SCHOOLS****CodeNEXT Draft 3  
Recommendations to Support Public Schools**

Originally Submitted by Susan Moffat  
Former CAG Member,  
Appointed to represent public schools  
April 10, 2018

Austin public schools depend on safe access to school campuses and the continued availability of affordable family-friendly housing for students, families and staff throughout the city. Please support our public schools by ensuring that CodeNEXT incorporates the six recommendations below before final adoption. Recommendations regarding parking and housing are expressed in greater detail in the attached AISD Board of Trustees resolution, which was subsequently adopted in its entirety by the Joint Subcommittees of the City of Austin, Travis County and AISD in December 2017.

**1. For safety and accessibility, retain current on-site parking requirements near schools per AISD's request.****Add a subsection to all MU & higher zones****(X) ADDITIONAL PARKING REQUIREMENTS WHEN IN PROXIMITY  
TO A PUBLIC SCHOOL PER TABLE X-XX-X****Table to include an increase of 5% above required parking for all higher zones within 1/8 mile of schools. Maintain exemption for affordable housing.**

Pursuant to the AISD Board resolution, please retain current on-site parking requirements for residential properties within 750' and for commercial properties within 1500' of an urban core public school to maintain needed parking for parents, visitors, teachers and staff at school campuses. The parking issue is a chief concern for AISD and has been a topic of discussion at Joint Subcommittee meetings.

Background: Areas adjacent to urban public schools present unique safety and traffic challenges with anywhere from 300 to 3000 students - plus faculty, staff and parents - arriving and leaving throughout the day. These may include distracted pre-K kids as young as three, fourth graders on bikes, middle schoolers glued to cell phones, newly-minted teen drivers, idling full-size school buses, parents rushing to get to or from work, plus the occasional emergency vehicle. Public schools simply cannot provide sufficient on-site parking for all those who must arrive or leave the campus daily, or to accommodate large buses and emergency vehicles. To meet these needs, most campuses rely on on-street parking in the immediate vicinity.

Draft 3 cuts baseline parking requirements in half and then allows up to 60% additional cumulative parking reductions by right, without any administrative oversight or notice to affected businesses, residents or school campuses. Draft 3 also provides a possible 100% parking reduction with a Transportation Demand



Management (TDM) plan, again without public notice, though TDMs do require administrative approval, presumably entailing at least some staff oversight.

In practice, this means a developer could build a 100-unit complex, while providing only 40 on-site parking spaces, or in the case of a TDM project, zero parking. This is an extreme departure from current code and from Drafts 1 and 2, and would have significant impacts on any nearby school campuses.

As previously noted in my Parking Reduction comments submitted on April 5th, I can find no research to demonstrate that the parking reduction measures cited in Draft 3 have actually resulted in anything close to a 60% decrease in vehicle ownership, as opposed to trip reductions. This means most of the cars from a large project near a school will end up parked on nearby streets, creating serious safety and access problems for students, parents and school staff.

In 2016, 94% of Austin households owned cars, according to the *Census American Community Survey*. Further, a 2012 Portland study of Transit Oriented Developments<sup>1</sup> (TODs) found:

- 72 percent of households surveyed in TOD area owned or leased at least one car and 67 percent parked on street.
- Many survey respondents stated there were no amenities that would reduce their need for a vehicle, even though they used other transportation modes.
- Residents at buildings with or without on-site parking had similar trends in vehicle ownership.

Though parked vehicles may increase safety in some settings by narrowing travel lanes and thus reducing vehicle speeds, researchers have specifically cited as tradeoffs (1) reduced visibility especially in high parking densities where children may dash out between vehicles and (2) the lack of accommodations for emergency or other large vehicles.<sup>2</sup> The streets immediately adjacent to many of Austin's urban public schools are already fully parked during school hours, as well as many evenings, so no additional safety benefit can be realized by adding more on-street vehicles - and the worst-case tradeoffs are potentially life threatening.

For these reasons, please support AISD's request to retain current parking requirements in the vicinity of school campuses.

**2. Confirm that the final version of CodeNEXT incorporates all attached corrections to Section 23-4E-6320, School.** Section 23-4E-6320 was intended to fully incorporate the city's Educational Facilities Ordinance (COA Ordinance 20160623-090), which was the product of a lengthy stakeholder process and provides fair, reasonable land development regulations for all public schools, including public charters. While Draft 3 addresses some of the omissions in Draft 1 and 2, several major corrections are still

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<sup>1</sup> <https://www.portlandoregon.gov/bps/article/420059>

<sup>2</sup> *Narrow Residential Streets: Do They Really Slow Down Speeds?* James M. Daisa, P.E. and John B. Peers, P.E., 1997



needed to ensure that crucial provisions are accurately transferred to the new code. For details, please see the Corrections document (attached separately), which has already been submitted to city legal staff.

**3. For clarity and predictability, add a note to all Use Tables stating: “Regardless of base zoning, state and local laws do not allow alcohol sales within 300’ of a public school, church or public hospital without a City Council waiver.”** As currently drafted, CodeNEXT would substantially expand by-right alcohol uses to more areas. Outside investors, unaware of local prohibitions, may naturally assume that if an alcohol use is listed as permitted in a given zone, it will be fine to open a bar or liquor store there regardless of its proximity to a school. Rather than attempting to revise zoning maps to appropriately zone around hundreds of schools, churches or hospitals, please add this simple note to the Use Tables to ensure clarity and predictability for all concerned.

**4. Confirm that the Educational Impact Statement (EIS) will remain a required part of city review process under the new code.** The city’s Educational Impact Statement, attached separately, provides vital notice to AISD regarding large projects or demolitions that may impact school enrollment (like the Educational Facilities ordinance, the EIS was also the product of a lengthy public process). It does not currently appear in Draft 3, though it may live elsewhere outside the code. In any case, please confirm that the review and permitting process under the new code will continue to require the EIS.

**5. Support Draft 3’s proposed “P” zoning for AISD properties.** AISD Trustees had originally requested that district properties be zoned compatibly with adjacent properties “to ensure continuity and predictability should a property be sold or leased in the future.” Draft 3 maps zone all AISD properties as “P” (Public), which achieves essentially the same goals and should be supported.

**6. Support AISD’s requests to create and maintain affordable family-friendly housing, while specifying 60% MFI or less for rental units and 80% MFI or less for ownership units.** The attached resolution, approved by AISD Trustees and the Joint Subcommittees, contains a number of recommendations related to affordable family-friendly housing, which are summarized below. I urge you to support these, with one caveat noted.

- Increase opportunities for “house-scaled” residential zones that provide for building types that have a demonstrated higher yield of students, being single-family detached, duplexes and townhomes. Limit residential “up-zoning” to the creation of family-friendly developments affordable at 60% Median Family Income (MFI) or lower for rental units especially in areas recently affected by gentrification and loss of families or in high opportunity areas.
- Increase opportunities for affordable workforce housing up to 120% MFI for ownership units to enable teachers to reside within the communities they serve. [Note: The 120% MFI level for ownership units was included at the request of a trustee. I personally believe it should be no higher than 80% MFI, in keeping



with the city's push to standardize its affordable housing density bonus programs. However, please note that Draft 3 does retain MFI levels of 120% for ownership units and 80% for rental units in the city's own Downtown Density Bonus program; I strongly encourage you to reduce these levels as well.]

- Develop strategies to incentivize a range of unit sizes, and family-friendly amenities in areas zoned for multi-unit residential uses.
- Increase opportunities for smaller accessory dwelling units in a variety of residential zones, including high opportunity areas, at a price range affordable for teachers and district staff.
- Encourage the preservation of older “market affordable” single-family detached homes, duplexes, and multi-unit housing by not increasing entitlements on existing properties without a clear affordability requirement.
- Expand the City's density bonus program to include non-residential properties and use the proceeds, as well as other appropriate funding sources or donations, to create permanently affordable family-friendly housing.
- Lower barriers for greenfield developments to increase the citywide availability of detached single-family housing, one of the most prevalent housing type for AISD families, with particular emphasis on high opportunity areas.

Again, I hope you will support Austin's public schools by ensuring that the recommendations outlined above are incorporated into CodeNEXT before its final adoption.



## Proposed Future CodeNEXT Article 23-3F: Art, Music, and Culture

Both the Imagine Austin Comprehensive Plan and the Code Prescription on Household Affordability reference the need for regulations to sustain and strengthen the music and arts industries and communities. To this end, the CAG recommends developing a future code section that would provide city-wide regulations to promote arts, music, and culture with the goals of: protecting existing assets and promote new ones in areas deficient of art, music, and cultural assets, and supporting housing and jobs for musicians and artists, and sustaining these important elements of Austin's economy.

### Proposed Code Additions:

1. Add arts, music culture to the Purpose Statement of General Planning Standards. The current draft of the new Land Development Code for Austin, dubbed CodeNEXT contains the following purpose statement in *Chapter 23-3: General Planning Standards for All* [1]. The red underlined clause below would add reference to a to-be-written section governing arts, music and culture.

#### 23-3A-1010 Purpose

This Chapter provides standards and regulations for the following purposes: to provide parkland; to provide for the protection and replenishment of urban forest resources; to provide for the protection of water quality and protection from flooding; to encourage the creation and preservation of affordable housing; and to sustain the local arts, music, and culture communities and industries. These aspects are all essential to the development of a healthy, sustainable and desirable city environment. The interests of the community and the goals of the Comprehensive Plan and Zoning Code are further ensured through the application of this Chapter.

#### 23-3A-1020 Applicability

This Chapter applies to all development within the City of Austin and the ETJ.

2. Working with appropriate city boards and stakeholders, develop a new code section to be numbered 23-3F. Provisions for consideration, several of which are already supported by City of Austin Economic Development Department and the City's Arts Commission and Music Commission, are outlined below.

#### 23-3F-1010 Purpose and Intent

- (A) The purpose of this division is establish general requirements and procedures to sustain the local arts, music, and culture communities and industries and to guarantee that arts, music, and cultural land uses are distributed across the city in an appropriate manner within neighborhoods, along activity corridors, and within neighborhood, town, and regional centers.

#### 23-3F-1020 Artist Live/Work and Live/Work/Sell

- (A) Allow artists to sell finished goods from their live/work home studios. Specify in which districts a live/work artist may "sell", including performance art. This is an important distinction as multidisciplinary spaces are becoming increasingly common – where both object-based art and experience-based art are being created (i.e. "work") and offered to the public within a single building envelope.



**23-3F-1030 Density Bonus Provisions for Art and Music**

- (A) In designated town/regional centers and activity corridors allow density bonus rules to trade greater building entitlements for including art galleries, studio space, live theater, dance performance space, live music venues, or other forms of performance art on the first floor or for preserving an existing an iconic venue on the tract (e.g., Broken Spoke).

**23-3F-1040 Art Districts**

- (A) Describe the basis for designating arts districts (similar to that provided for historic districts) in neighborhood plans, neighborhood centers, town centers, and regional centers, and target one or more arts districts per Council District.

**23-3F-1050 Theater and Art Venue Scale**

- (A) In establishing capacity rating for theater or arts venue consider how the venue is used in addition to overall size.

**23-3F-1060 Art, Music, and Culture Nomenclature and Definitions**

- (A) Add explicit definitions that clearly distinguish types of arts/music spaces for flexible and hybrid uses in city ordinances and other regulation (i.e. distinguish terms "gallery", "theater", "studio", "live music venue," etc.).

**(B) Live Music Venue Use**

An establishment where live music programming is the principal function of the business and/or the business is a live music destination, and where the venue clearly establishes the ability of an artist to receive payment for work by percentage of sales, guarantee or other mutually beneficial formal agreement.

A live music venue is a destination for live music consumers, and its music programming is the primary driver of its business as indicated by the presence of at least five (5) of the following:

- defined performance and audience space;
- mixing desk, PA system, and lighting rig;
- back line (e.g., sound amplification or video equipment for performers on or behind the stage);
- at least two of: sound engineer, booker, promoter, stage manager, security personnel;
- applies cover charge to some music performance through ticketing or front door entrance fee;
- marketing of specific acts through show listings in printed and electronic publications;
- hours of operation coincide with performance times.

**23-3F-1070 Codify of Agent of Change Principle.**



**Imagine Austin and Code Prescriptions Support New Code Section**

Justification for the proposed new code section comes from the *Imagine Austin Comprehensive Plan* and more recent work done in developing the CodeNEXT draft. Priority Program 5 (among 8 Priority Programs) in the 2012 *Imagine Austin Comprehensive Plan* is “Grow and invest in Austin’s creative economy.” A short term (1-3 years) work program item is: “Explore and reimagine existing City development tools, such as incentives, regulations, and financing options, with a focus on creative industries’ facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries, music venues, and office space.”

The proposed new section is also supported by the following policies and priority actions in the Imagine Austin Comprehensive Plan:

- Develop regulations to mitigate the sound from live music venues through a collaborative process that includes the City of Austin, musicians, venue operators, property owners, and residents.
- Create incentives and programs to preserve iconic and established music venues and performance spaces throughout Austin and its extraterritorial jurisdiction (ETJ).
- Expand access to affordable and functional studio, exhibition, performance, and office space for arts organizations, artists, and creative industry businesses.
- Explore existing City policies, processes, and regulations regarding the arts to determine what changes can be made to coordinate these with other goals, such as historic preservation, affordable housing, and high-density development.
- Incorporate the arts and cultural preservation themes and elements into small area plans, such as neighborhood and corridor plans.
- Create incentives, and programs to promote the inclusion of public art into new development.
- Encourage artists and other creative individuals by promoting the creation of live/work spaces and creative industry hubs, districts, and clusters as retail, community, or neighborhood anchors and activity generators to attract and support other economic and community enterprises.
- Establish incentives and regulations to promote the creation of artists’ live/work space in residential areas that allow for limited gallery space.

Further, the *Code Prescription on Household Affordability* written in 2016 in response to the CodeNEXT consultant’s *Code Diagnosis*, specifically addressed affordability impacts to small businesses and the cultural arts in the following three prescriptions:

- Allow for compatible retail and commercial uses by right including arts, culture and creative uses such as rehearsal, gallery, studio, performance or exhibit spaces and offices in areas where form-based zones have been applied and a diversity of uses is desired. This includes adequate commercial space allowances in corridors, centers, and in between these areas and neighborhoods.
- Revise the density bonus program in targeted areas such as cultural districts by adding the preservation or creation of an existing creative venue or business as a Community Benefit. Density bonus fee-in-lieu requirements will be evaluated for 501(c)(3)s to promote emerging small non-profits. The existing density bonus provisions will be evaluated to determine if they can incorporate preservation or development of a music or



creative venue that will be used for rehearsal, gallery, studio, performance, or exhibit spaces and offices.

- The opportunity to expand live/work units will be found in all form-based code districts in order to promote the opportunity for the small businesses, including artists to be able to work where they live. The allowance of live/work units will be both within the uses regulated by the different form-based code districts but also in the regulation of building types to ensure the proper form to allow for live-work units.
- 

[1] see <https://codenext.civicomment.org/chapter-23-3-general-planning-standards-all>

### **The New Flex Industrial zoning may cover this....**

#### **In 23-3F and in 23-2M**

#### **In Division 23-4D-7: Commercial and Industrial Zones**

#### **Accessory Use as a Theater or Art Gallery (as would be in 25-2-865, for example**

A) This section applies to the following uses and zoning districts:

- 1) LIGHT MANUFACTURING use with IP, MI, LI, CS, MU zoning district
- 2) LIMITED WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district
- 3) GENERAL WAREHOUSE AND DISTRIBUTION use with IP, MI, LI, CS, MU zoning district
- 4) ART WORKSHOP use with IP, MI, LI, CS, MU zoning district

B) The use of the space as ART GALLERY and THEATER:

1. is a permitted accessory use
2. shall not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less

C) During the Permitting Process the Council on appeal or Planning Commission may increase the square footage allowed under subsection B.

D) On-site parking is required according to Schedule A of Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS).

PART 2. City Code Chapter 25-6, Appendix A (TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS) is amended to amend Schedule A to read:

#### **SCHEDULE A**

The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance with the following table:

#### **Activity Requirement**

#### **Accessory Use as a Theater or Art Gallery**

<2,500 sq. ft. - 1 space for each 275 sq. ft.

2,500-10,000 sq. ft. - 1 space for each 100 sq. ft.



> 10,000 sq. ft. - 1 space for each 50 sq. ft.

Office or administrative activity 1 space for each 275 sq. ft.

Indoor sales, service, or display 1 space for each 500 sq. ft.

Outdoor sales, services, or display 1 space for each 750 sq. ft.

Indoor storage, warehousing, equipment servicing, or

Manufacturing 1 space for each 1,000 sq. ft.

Outdoor storage, equipment servicing, or manufacturing 1 space for each 2,000 sq. ft.

Commercial off-street parking requires one bike parking space for every 10 motor vehicle parking spaces.



**RWG MOTIONS CHAPTER 23-4****A) Reduce the number of uses to single family; two family; and multi-family.**

*Affect on all R & RM zones, definitions and all sections related to residential design standards*

- We believe this would greatly simplify the code and reduce the cost of navigating the code. It would also eliminate the need for defining attached and detached.
- This will reduce the volume of the code and its complexity as intended by CodeNext.

**B) Create comparable R zones that maintain the 5750 minimum lot size and a minimum 50' lot width.**

*Affect on R zones*

- This would help to craft specific areas for smaller lots while preserving the lot size of the existing neighborhoods.
  - It would allow crafting through SAP as well as greenfield development
  - The reduction captures approximately 3,500 lots that are currently non-conforming due to lot size, and 7000 do to lot width while opening the opportunity for subdivision on approximately 14,000 lots
- These zones should be

**C) We recommend a taskforce of stakeholders be created to review the current Residential Design Standards against the regulations as outlined in D3 to better balance the need for regulation against real world implementation, specifically looking at ease of use, effect of regulations on affordability and predictability. This taskforce would look at all the residential design standards including but not limited to height, FAR, articulation, and parking location. We suggest they have 90 days to complete this task in order to have a recommendation for Council prior to adoption of CodeNext.**

*Affect on all R & RM zones, definitions and all sections related to residential design standards*

- While this code is producing more compatible homes, stakeholders continue to want easier regulations. This requires input from Residential Review to determine what is working well.



- Input from many stakeholder groups have indicated that the regulations under D3 are too restrictive and difficult to implement, including AIA, HBA <I believe we need to mention the residents concerns also PS>
- We have attempted to put together language that incorporates input, however, due to D3 spread of the residential design standards throughout the code, issues still remained that need to be coordinated

1) **NOT USED**

2) **Reduce the number of exemptions provided for in the gross floor (GFA) definition.**

**In exchange allow for an increase in FAR by .05% across all residential zones.**

**RESIDENTIAL GROSS (GFA) The total enclosed area of all floors in a building with a clear height of more than five feet, measured to the outside surface of the exterior walls. The term excludes ~~loading docks, 1st floor porches, stoops, basements, attics, stories below grade plane, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas~~**

*Affect on all R & RM zones, definitions*

- The exemptions as outlined in D3 increase the cost of calculations, lead to unintended complications for homeowners, decrease predictability & homogeneity of forms and values, and further complicate home improvements.

3) **Eliminate building articulation for all residential and multifamily buildings or make it an option to improve building design and as to be part of McMansion task force work and considerations**

*Affect on all R & RM zones*

- This requirement is a shift in policy from what exists under today's code. The sizes and frequencies are onerous, add cost to the project due to additional exterior facade construction, and serve no guarantee the resulting voids will improve the public realm.
- With smaller lot widths and sizes, side articulation will severely limit flexibility in more liveable designs



- With emphasis on more conservation and restrictions in water regulation, trees, etc. prescribing articulation further onerous

**4a) Street Scale “Preservation” Incentive:** Accessory Dwelling Unit does not count toward FAR limit when existing house (at least 25 years old) is conserved.

**Conserve:** to maintain the height, footprint and roof line of an existing building for the first 25' as measured from the building line toward the rear lot line

*Affect on all R & RM zones*

- This incentive is a good incentive and could help to prevent demolitions while encouraging infill
- The intention was to preserve the street scale. The word preservation is not defined in D3. The HLC has recommended against this incentive because the word preserve conjurs up the National Register's Standards. I don't think the intention was to subject homewoners to these standards and additional expenses, I think it was to preserve the street scale and to reduce the # of demolitions. These changes eliminate the word confusion and go hand in hand with a definition of conserve that promotes the conservation of the existing homes street presence. This also further clarifies where you can use the additional FAR that you're granted.

**4b) Extend Preservation Incentive to all R zones.**

*Affect on all R zones*

- This incentive is a good incentive and could help to prevent demolitions while encouraging infill

**4b) Limit incentives to the addition of .1 FAR.**

*Affect on all R zones*

- This incentive needs to be calibrated for the smaller lots. Currently it is calculated to be an approximate .2 FAR bump max. By exempting the FAR of the ADU, we increase the



overall FAR of the lot exponentially. This increase entitlement for them considerably and will increase the lot values exponentially and hence less affordability

**4c) Require 1 parking space for ADU's with more than 1 bedroom**

*Affect on all R zones*

- If the average household has 1.8 cars, the chances of a 2 bedroom ADU to have a car is pretty high. It would balance the no parking required in the single bedroom ADUs

**5) Eliminate the opportunity to obtain a Minor Use Permit (MUP) in residential house scale zones R1A through R3D for the Home Occupation use. Additional employees and retail sales are more appropriate uses in Live/Work zones (23-4E-6210).**

**23-4E-6200**

***(D) If the owner obtains a minor use permit up to three employees who are not occupants of the dwelling unit are allowed except in R1A through R3D zones.***

***(F) If the owner obtains a minor use permit, the limited sale of merchandise directly to customers on premises is allowed between the hours of 9:00 a.m. and 5 p.m except in R1A through R3D zones.***

*Affect on all R1A - R3D*

- The additional traffic and noise created from the expanded traditional home office use is disruptive to neighborhood function

**6) 6a) "ELIMINATE ALL ENTITLEMENTS TO CREATE FLAG LOTS IN THE CITY OR ETJ."**

**6b) The Variance requirements for Flag Lots should be restored. The variance provides adjoining property owners notification of the proposed Flag Lot configuration and the ability to discuss concerns at a public hearing.**

*Affect on all R zones*



- In consideration of the new lot widths and sizes, the opportunities for more flag lots increases exponentially. The new lots should be helping to decrease the amount of flag lots, however, until we adjust the requirements, it will just increase it.
- Some flag lots developments can be well done, so there should be oversight
- Possibility to let Small Area Planning determine appropriateness

**7) Create a mechanism to tune the proposed parking minimums thru parking reductions based on a table of factors or TDM type analysis. (Start with realistic current on the ground patterns and adjust from there.) These factors are as follows but not limited to:**

- a. Street parking availability (there are no parking zones)**
- b. Street width**
- c. Presence of sidewalks**
- d. Distance to public transportation (¼ mile)**
- e. Distance to schools**
- f. Residence Parking Only Permits**
- g. Fire safety compromises**
- h. Lot widths and driveway placement**
- i. Trash pickup and utility placement**
- j. Safe Streets analysis**
  - i. Transportation Safety Improvements Program**
  - ii. Vision Zero**

*Affect on all R zones*

- Current D3 has no consideration of context sensitivity. If businesses and dwelling units are exempted from additional parking without consideration of surroundings, there is a not only a convenience risk but life safety risk as well. Beginning of last school year 3 Austin kids were hit by cars while going to school.



- 8) We recommend allowing pools and fountains in required yards without new setback or restrictions. Pools and fountains are currently allowed in required yards. Draft 3 further regulates their location on a site and eliminating it completely some parts. This is solution looking for a problem, however creating more problems. This will create nonconformities.

*Affect on all R zones*

- *In 2015 Codes and Ordinances - PC modified section for porches which already included pools fountains in SF-6 and more restrictive to be allowed in required yard 25-2-513.*

- 9) The proposed new fence regulations are much more onerous than current regulations and will cause an immense amount of nonconformities. This is solution looking for a problem, however creating more problems. We recommend

1. 4' to 5' max height for sloped lots in front setback or street to building line distance, whichever is less
  - a. Administrative variances allowed for up to 6' for special considerations
2. 6' at rear and side property lines (7' max on sloped lots), 8' with administrative variance
3. delete section restricting fences at intersections

*Affect on all R zones*



**RWG MOTIONS IN OTHER CHAPTERS****1) Add to the definition section to read.****ATTACHED:**

**When used with reference to two or more ~~buildings~~ units, means having one or more common walls or being joined by a roof; ~~covered porch~~ or ~~covered passageway~~ measured 20' in depth, perpendicular to the front property line.**

**DETACHED:**

**FULLY SEPARATED FROM ANY OTHER BUILDING, OR JOINED TO ANOTHER BUILDING BY STRUCTURAL MEMBERS NOT CONSTITUTING AN ENCLOSED OR COVERED SPACE.**

- These are from Austin's 1987 code which led creative interpretations that lacked original intent

ATTACHED - HAVING ONE OR MORE WALLS COMMON WITH A PRINCIPAL BUILDING OR DWELLING UNIT, OR JOINED TO A PRINCIPAL BUILDING OR DWELLING UNIT BY A COVERED PORCH, LOGIA OR PASSAGEWAY, THE ROOF OF WHICH IS PART OR EXTENSION OF A PRINCIPAL BUILDING OR DWELLING UNIT.

DETACHED - FULLY SEPARATED FROM ANY OTHER BUILDING, OR JOINED TO ANOTHER BUILDING BY STRUCTURAL MEMBERS NOT CONSTITUTING AN ENCLOSED OR COVERED SPACE.

**2) Maintain current regulation regarding home occupation signage**

*23-8B-2020) (c) Signs for Residential Use - this section is too permissive*

*Affect on all R & RM zones*

- Ability to build a storefront and have large signs and sales should not be allowed in residential zones *This will turn the neighborhoods into bunch of advertising. With all the online opportunities for home business this can get ridiculous.*



3) **Replace 23-2A-3030 & 3040 (B): No Adverse Impact with the following language**

1. Install acceptable drainage improvements on site to improve or preserve existing drainage patterns if the construction, remodel or expansion:
    - a. Is more than 750 square feet; and
    - b. Located on an unplatted tract or within a residential subdivision approved more than five years before the building permit application was submitted: and
    - c. in an area subject to localized flooding, as determined by the Watershed Protection Department on an annual basis.
  2. Acceptable drainage improvements include,
    - a. An engineer's certification that any changes to existing drainage patterns will not adversely impact adjacent properties
    - b. swales, grading, gutters, rain gardens, rainwater harvesting systems or other methods on site to preserve existing drainage patterns as calculated by:
      - i. a grading plan
      - ii. per Table X-X-XX (*gallons per sf of impervious cover and grade changes+12"*)
    - c. a fee in lieu is available at the director's discretion if a water mitigation project has been identified within ¼ mile of the site to be implemented within 12 months.
- Engineering letter is expensive and does not help with flooding whether local or further downstream. Due to high costs, options should be given to actually improve or at least maintain drainage patterns. The thousands of dollars spent for a letter can easily be used to make actual improvements that a builder can easily implement on site



4) ***REINSTATE accessory apartment “USE” ALLOWED IN ALL R ZONES and develop the program further.***

The measures that we proposing for stay in place, affordability, and curbing gentrification and demolitions, are not attainable for the average homeowner and the only option would be to sell to developers or wealthier individuals. make a profit, but then move from their neighborhood. . ADU's can be difficult for many homeowners to even get a loan for. By reinstating the Accessory Apartment Use and actually developing the program to keep it within reach of average homeowners, we can bring even another dwelling form to the mix that is actually attainable. Cost is for a remodel of a small part of a home vs new construction of an ADU. The apartment can also be one which can still be used as part of the main house... adaptable. Research has shown that other cities have adopted similar policies to allow these internal dwelling units. There are different levels of regulations and permitting, however, they all have in common that they are not separate dwellings that require the same fire separations and other specifics as a two unit dwelling. I believe we should allow this type of unit to help curb demolitions and gentrification and affordability. If other cities are able to do this, I don't see why Austin can not.

*23-4D-2030 LAND USE TABLE - ADD USE*

*23-4D-6050 ACCESSORY USES - ADD SECTION*

*23-13A-2030 LAND USES - ADD DEFINITION*

***CURRENT CODE:***

*25-2-901 - ACCESSORY APARTMENTS.*

*A An accessory apartment is a separate dwelling unit that is contained within the principal structure of a single-family residence, and that is occupied by at least one person who is 60 years of age or older or physically disabled. (WE RECOMMEND REMOVING AGE RESTRICTION)*

*B. If space within a principal structure is converted to an accessory apartment, the accessory apartment may not include:*

- 1. converted garage space; or*
- 2. a new entrance visible from a street.*

***REMOVE SECTION C BELOW***

*C. The building official may not issue a building permit for construction or remodeling of an accessory apartment unless the applicant delivers to the building official an affidavit verifying that one of the proposed occupants of the accessory apartment is 60 years of age or older or physically disabled.*



- Support Comments

- *Accessory Apartment Allowed Use - Reincorporated and allowed use. Internal to an existing home - adaptive reuse*  
<http://www.plgrove.org/documents/faq-accessory-apartments.pdf>
- *Should firewall separation be required between the AA and the main dwelling?*  
*No. This is required for a duplex, but not normally required for Accessory apartments. It is a substantial cost that would need to be required for most existing situations that might cause difficulties for compliance. An accessory apartment is considered a part of the same home and structure, and normally the main dwelling unit is required to have access to it*  
  
<https://extension2.missouri.edu/gg14>  
*Mention costs to do an accessory apartment - very VERY affordable vs adu.*



**WHITE\_EXHIBIT\_SIMPLICITY & HOUSING BLUEPRINT GOALS****CODE NEXT 3 AMENDMENTS TO PROMOTE SIMPLICITY AND ACHIEVE IMAGINE AUSTIN AND HOUSING BLUEPRINT GOALS**

23-2G-2 Increase simplicity by allowing buildings and development built prior to 1931 when zoning and building codes became effective; built outside the City limits and subsequently annexed; built on federal or state property and subsequently deeded to an entity other than state or federal government to be deemed “lawful” rather than “non-conforming”.

Change 23-13 definitions to reflect this definition of “lawful” and “non-conforming”.

23-2H-4 Change Amnesty Certificate of Occupancy provisions to reflect when “lawful” buildings and land uses can obtain an Amnesty Certificate of occupancy if the buildings and site comply with the adopted Property Maintenance Code (23-11-B9) and the use has been continuous and lawful for at least two years.

23-2L-3 Prohibit single-family, multi-family, and other residential uses in on Closed Municipal Landfills. Confirm that mapping identifies the closed municipal land fill sites.

23-12 Prohibit new single-family, multi-family, and other residential uses in Airport Hazard and Compatible Use areas. Confirm that mapping identifies the Airport Hazard and Compatible Use zones.

23-2J-5 Prohibit new single-family, multi-family, and other residential uses in flood plains without variance granted by the City Council. Confirm that mapping identifies 100 year and 25 year flood plains.

23-3B-2 Parkland Dedication Fee waivers match criteria for other S.M.A.R.T. Housing fee waivers. 10% reasonably-priced results in 25% fee waivers; 20% = 25% fee waivers; 30%=75% fee waivers; and 40% and above=100% parkland dedication fee waivers.



**23-3E S.M.A.R.T HOUSING**

Highlighted in Yellow shows where the housing coalition was in agreement

All participants in density bonus programs must comply with S.M.A.R.T. Housing.

All density bonus programs and S.M.A.R.T. Housing must not exclude vouchers in calculating maximum sales price or rent for income restricted housing.

“Reasonably-priced” definition in S.M.A.R.T. Housing in 23-13 must reflect this.

Density bonus program participants and S.M.A.R.T. Housing participants must comply with Source of Income Protection. Should be added to the S.M.A.R.T. Housing section for clarity.

All “income-restricted” has 40 year affordability period unless funding sources require longer affordability periods, and restrictive covenants must be filed prior to issuance of certificate of occupancy.

S.M.A.R.T. Housing participants may build more than 2 dwelling units in all single-family, multi-family, mixed use, commercial, and public zones if the lot size is at least 2,500 square feet;

S.M.A.R.T. Housing participants are allowed to have no more than 6 unrelated adults in a 3 bedroom home provided the home complies with the adopted Property Maintenance Code.

S.M.A.R.T. Housing and density bonus participants may receive 50% fee waivers for 50% for parkland dedication fees, water meters, sewer taps, electric meters, and all other current S.M.A.R.T. Housing development fees if all at least 10% of the housing units serve rental households at or below 50% Median Family Income and homeowners at or below 80% Median Family Income.

**Comment [1]:** Why 50% MFI when everything else is 60% and 80%? I think the more consistent we can be the better.

Minimum lot size for S.M.A.R.T. Housing participants in multi-family (3 homes per building or per site) and mixed-use development is 1,000 square feet per dwelling unit if impervious cover is reduced by 5% of what current impervious cover standards allow.

**Comment [2]:** I'd like to see some allowance here for properties that preserve existing structures on a site. If you are scraping a site clean this is probably easier to accomplish, but from our experience it gets a lot harder when you are trying to keep an existing house that may have a long driveway that eat up your impervious cover quickly. I'm afraid this might incentivize redevelopment more when preserving the existing house and adding more units on site might be more cost effective.

S.M.A.R.T. Housing participants may have childhood development centers as a permitted use with all S.M.A.R.T. Housing fee waivers.



AGREE THAT A CLEAR TABLE NEEDS TO BE CREATED FOR EXPEDITED REVIEW TIMES

S.M.A.R.T. Housing participants receive 14 calendar day subdivision and site plan initial reviews and 7 calendar day review of revisions and corrections with no fees if the applicant's design team submits corrections and revisions within 7 calendar days.

S.M.A.R.T. Housing participants receive fast track building plan review with no fees.

S.M.A.R.T. Housing participants receive 2 working day review of all single-family and two family permit applications with no fees

S.M.A.R.T. Housing participants receive inspections within 1 working day with no fee

#### **23-4B Cross reference S.M.A.R.T. Housing zoning standards**

Allow 2 detached homes on all single family zoned lots as long as no variances are required and each home complies with adopted Residential Code and create definition of "single-family detached"

Allow 2 dwelling units in 1 building on all single family zoned lots as long as no variances are required and each building complies with adopted Residential Code and create definition of "duplex"

Allow 2 or more attached homes on all single family zoned lots as long as no variances are required and each home complies with the townhouse provisions of the adopted Residential Code and create definition of "single-family attached"

Limit short term rental on single-family zoned lots to 1 dwelling unit other than the dwelling unit that is owner-occupied

**23-5** Cross reference all S.M.A.R.T. Housing subdivision standards and fast track subdivision review requirements

**23-6** Cross reference all S.M.A.R.T. Housing site plan standards and fast track site plan review requirements

**23-7** Cross reference all S.M.A.R.T. Housing building permit requirements and fast track building permit review and inspection requirements



Cross reference federal and state standards for testing, abatement, and worker protection requirements for lead-based paint and asbestos for buildings constructed prior to 1980 for demolition permits and relocation permits

**23-9** Cross reference S.M.A.R.T. Housing transportation standards

**23-10** Cross reference S.M.A.R.T. Housing infrastructure cost-participation standards

**23-10C** Cross reference S.M.A.R.T. Housing fee waiver standards for water and wastewater










# City of Austin Document

## 25' Minimum Single Unit

WW, G, W, E

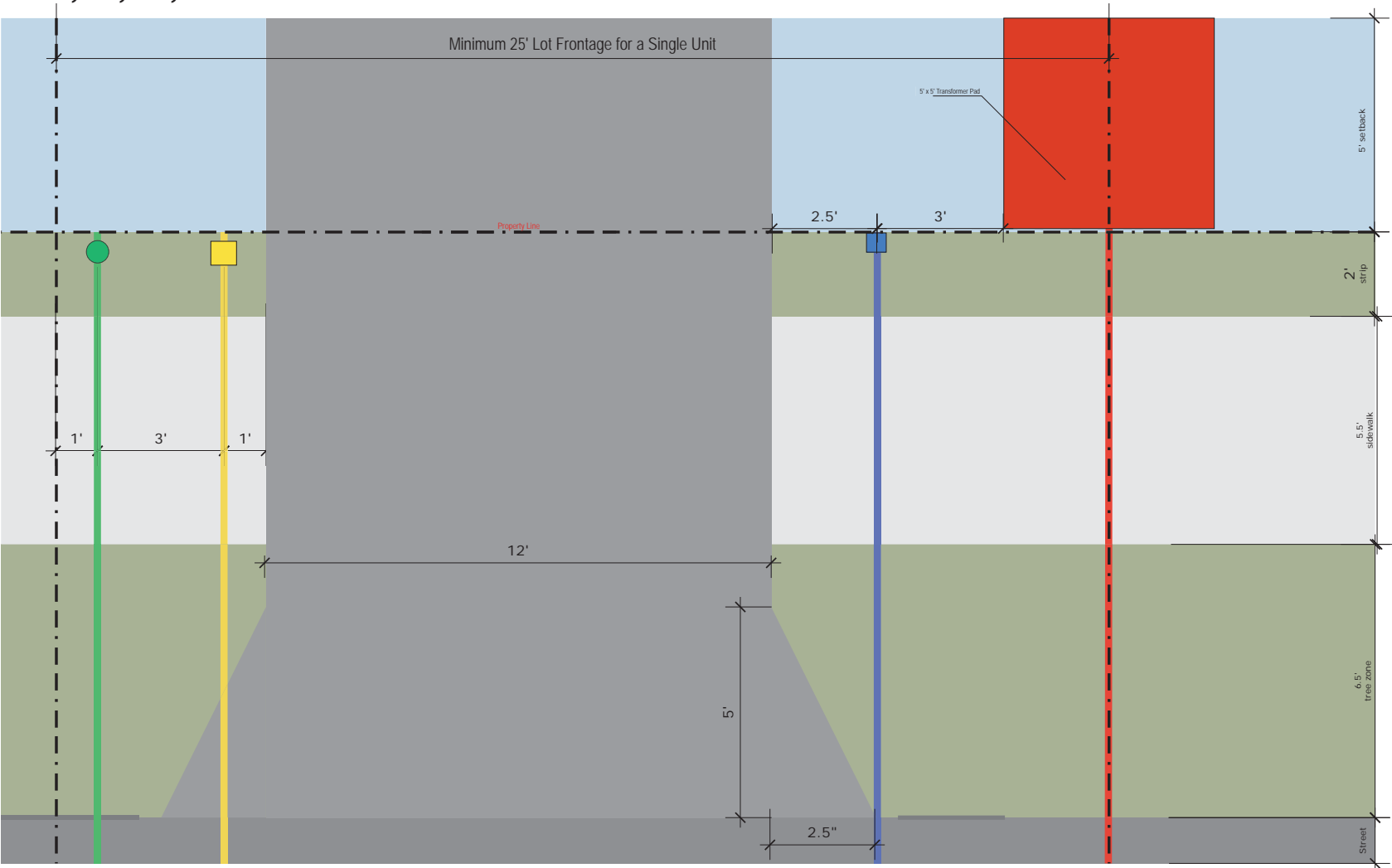
Driveway Reflects  
Standard 433S-1A

Note: Drawing is for illustration purposes only and depicts minimum dimensions required for utility services and driveways for determination of street tree requirements. Design and installation of services shall comply with Utility Criteria Manual and Standards.

- |   |               |   |                    |
|---|---------------|---|--------------------|
| -----   | Property Line |  | Water Service      |
|  | Tree Zone     |  | Wastewater Service |
|  | Sidewalk      |  | Electric Service   |
|  | Setback       |  | Gas Service        |

DATE + ISSUE May 4, 2018

DRAFT FOR REVIEW





# 20' Minimum Single Unit

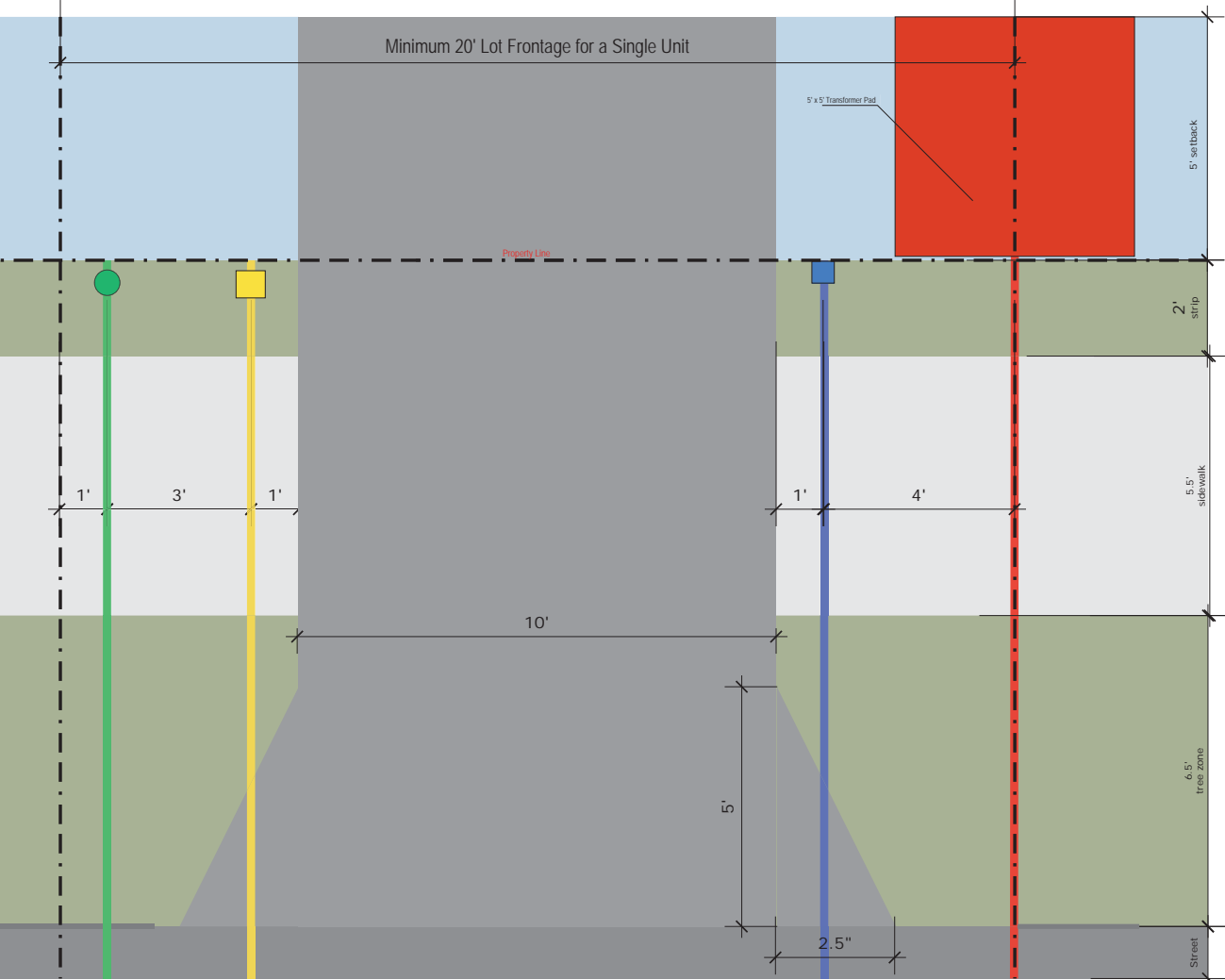
WW, G, W, E

Driveway Reflects Standard 433S-1A

Note: Drawing is for illustration purposes only and depicts minimum dimensions required for utility services and driveways for determination of street tree requirements. Design and installation of services shall comply with Utility Criteria Manual and Standards.

- Property Line
- Tree Zone
- Sidewalk
- Setback
- Water Service
- Wastewater Service
- Electric Service
- Gas Service

DATE + ISSUE May 4, 2018  
DRAFT FOR REVIEW





# 15' Minimum Two Flags

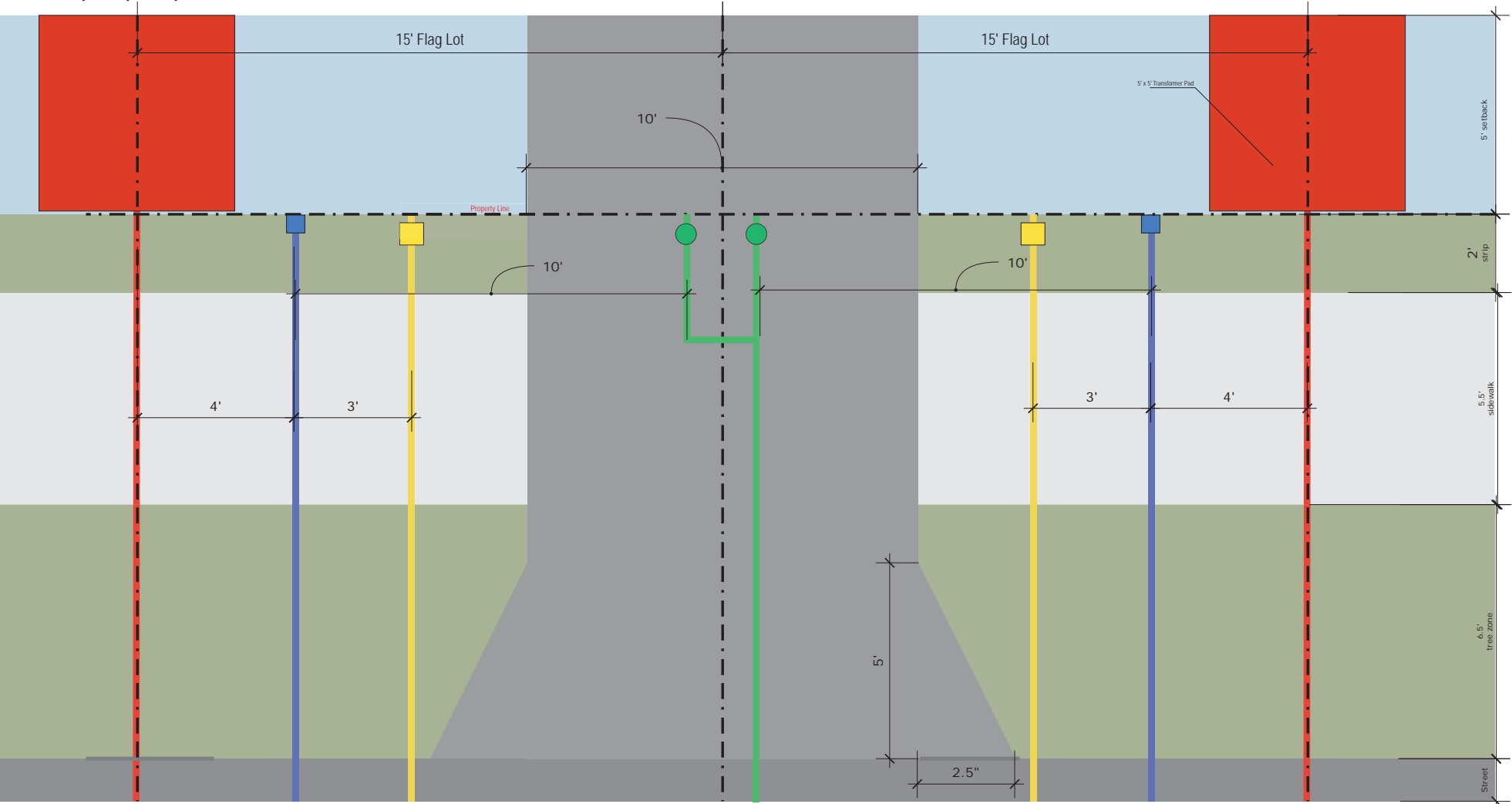
2WW, G, W, E

Driveway Reflects  
Standard 433S-1A

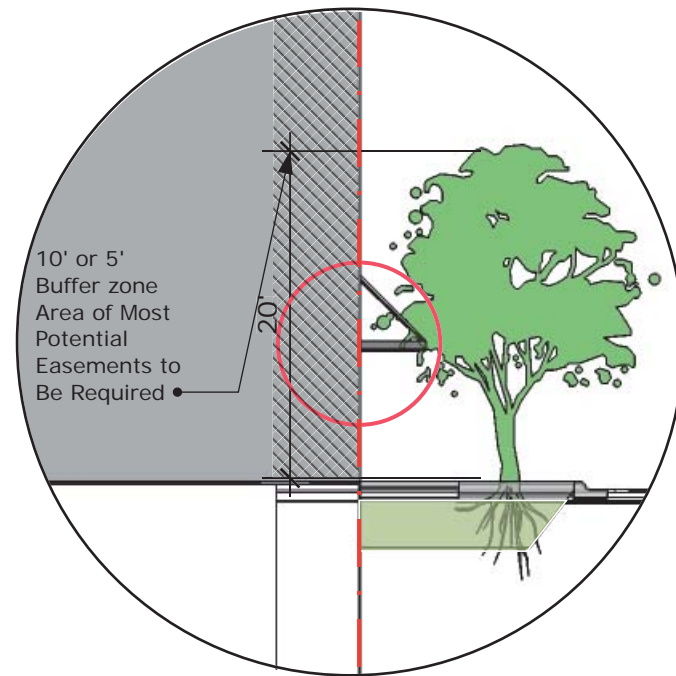
Note: Drawing is for illustration purposes only and depicts minimum dimensions required for utility services and driveways for determination of street tree requirements. Design and installation of services shall comply with Utility Criteria Manual and Standards.

- Property Line
- Tree Zone
- Sidewalk
- Setback
- Water Service
- Wastewater Service
- Electric Service
- Gas Service

DATE + ISSUE May 4, 2018  
DRAFT FOR REVIEW





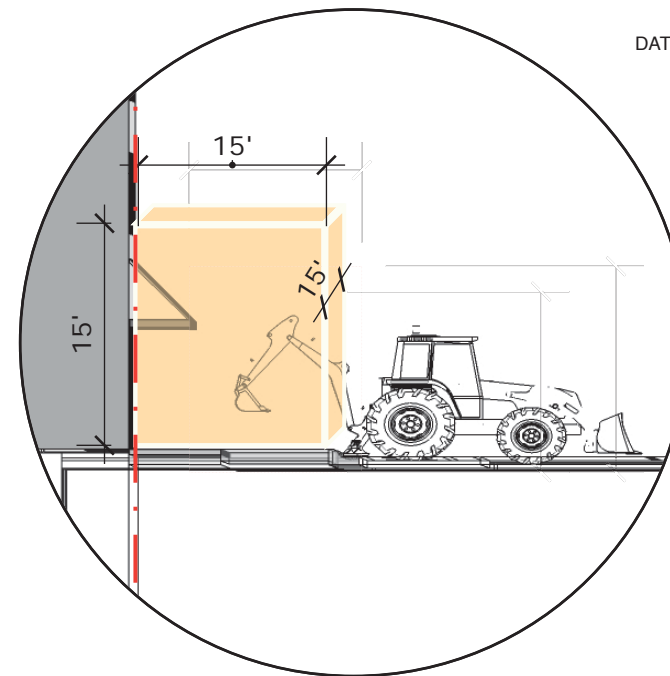


**A**

**NOTES:**

Zero setbacks may preclude frontage landscaping.

**VALUES IN CONFLICT:** !

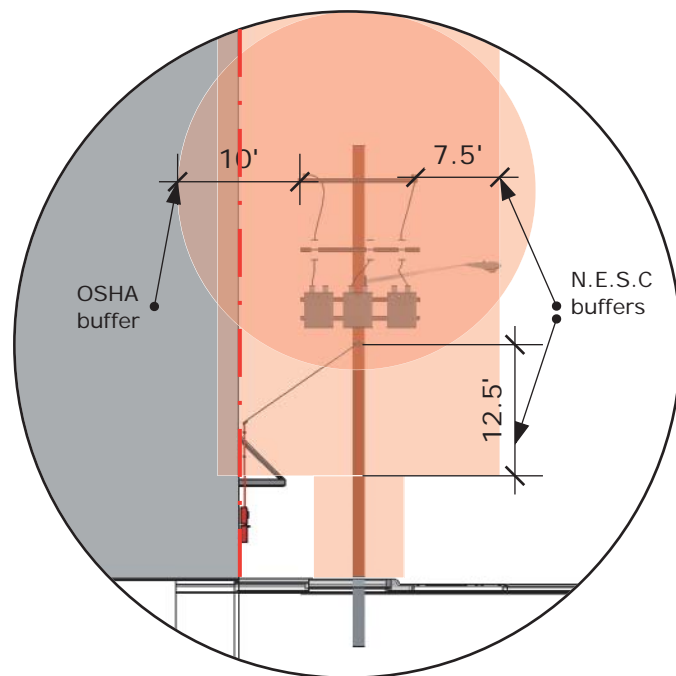


**B**

**NOTES:**

Zero setbacks would interfere with placement and access to customer water cutoffs, wastewater cleanouts.

**VALUES IN CONFLICT:** !

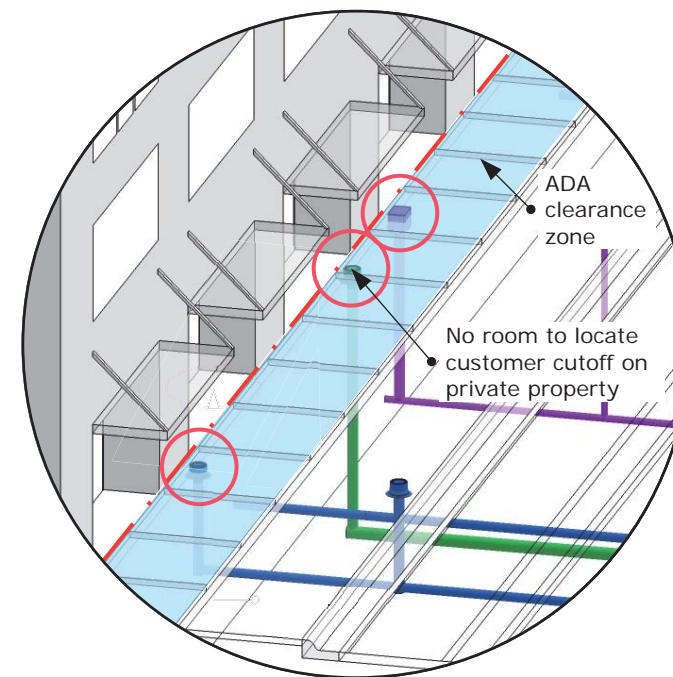


**C**

**NOTES:**

Zero setbacks would likely violate safety clearances for overhead power lines and utility poles.

**VALUES IN CONFLICT:** ! !



**D**

**NOTES:**

Zero setbacks may impact ADA accessibility, if there are architectural details or other encroachments into sidewalk clear zone. They may interfere with placement and access to water meters.

**VALUES IN CONFLICT:** ! ! !

**LEGEND**

- Property Rights and ROW Requirements
- Utility Service Provision
- Mobility and Accessibility

- Planning and Placemaking
- Affordability
- Property Line

**T5MS Conflicts**  
Zero Setback

